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## House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 23, 2005.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

### CHINA'S UNDERVALUED CURRENCY

Mr. STEARNS. Mr. Speaker, since 1994 China has pegged its currency, the yuan, to the United States dollar. Many economists contend that for the first several years of this peg, the fixed value was likely close to market value, but in the past few years, economic conditions have changed, such that the yuan would likely have appreciated, like virtually every other currency, if its exchange rates were determined by simple market forces. This policy con-

stitutes a form of currency manipulation and is intended to give China an unfair trade advantage. Also, it is contributing to the loss of United States manufacturing jobs.

China's currency is significantly undervalued vis-a-vis the United States dollar. Some experts contend that it is undervalued by as much as 40 percent, making Chinese exports to the United States cheaper and U.S. exports to China more expensive than they would be if market forces determined the exchange rates.

Furthermore, the undervalued currency has contributed to the large U.S. trade deficit with China. It has hurt United States production and employment in several U.S. manufacturing sectors, such as textiles and apparel and furniture, that are forced to compete domestically and internationally against artificially low-cost goods from China.

If the yuan is undervalued against the dollar, imported Chinese goods are cheaper than they would be if the yuan were market-driven. This lowers prices for United States consumers and diminishes inflationary pressures, but in turn, lower priced goods from China hurt U.S. industries that compete with those products, diminishing their production and eventually their employment. In addition, an undervalued yuan makes U.S. exports to China more expensive, thus diminishing the level of U.S. exports to China and job opportunities for U.S. workers in those particular sectors.

Pegging the yuan to the dollar has large implications for the United States-China trade. When a fixed exchange rate causes the yuan to be less expensive than it would be if it were floating, it causes Chinese exports to the United States to be relatively inexpensive and U.S. exports to China to be relatively expensive. As a result, U.S. exports and the production of U.S. goods and services that compete with

Chinese imports fall in the short run. Many of the affected firms are in the manufacturing sector. This causes the U.S. trade deficit to soar, to rise, and reduces aggregate demand in the short run.

Mr. Speaker, in 2004, China became the United States' second largest supplier of imports. A large share of China's exports to the United States are labor-intensive consumer goods such as toys and games, textiles and apparel, shoes, and consumer electronics. Because the manufacturing of these products have, over the past several years, shifted overseas, many of these exports do not compete directly with the United States domestic producers.

However, there are a number of small- and medium-sized firms, including makers of machine tools, hardware, plastics, furniture, and tool and die that are concerned over the growing competitive challenge posed by China. An undervalued Chinese currency contributes to a reduction in the output of these industries.

In addition, the low value of the yuan is forcing other East Asian economies to keep the value of their currencies low vis-a-vis the U.S. dollar in order to compete with Chinese products, to the detriment of U.S. exporters and U.S. domestic industries competing against foreign imports.

Furthermore, while China is still a developing country, it has been able to accumulate a massive foreign exchange reserve, approximately \$660 billion at the end of March, and thus, it has the resources to maintain the stability of its currency if it were fully convertible.

Appreciating the yuan would greatly benefit China by lowering the cost of imports for Chinese consumers and producers who have used imported parts and machinery.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Finally, China's accumulation of large amounts of foreign exchange reserves in order to maintain the currency peg could be better spent on investment in infrastructure and development of poor regions in their country.

Recently, the Treasury Department issued a strongly worded report warning China over its pegging its currency to the dollar. The report called the Chinese currency peg highly distortionary, but the report stops short of designating China as manipulating its currency for a trade advantage. This designation would have triggered formal negotiations between the Bush administration and Chinese officials that potentially could end this peg.

The administration has taken the right steps in taking a harder line against China. While I welcome the tough language in the Treasury Department report regarding China, Mr. Speaker, the time has come for China to act, which will result in freer, fairer trade for both countries.

#### WE ARE HEADED TOWARDS A THIRD RATE ECONOMY

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Kansas (Mr. TIAHRT) is recognized during morning hour debates for 5 minutes.

Mr. TIAHRT. Mr. Speaker, last year our trade deficit was \$670 billion, our Federal budget deficit was about \$300 billion, and our government made it more and more difficult last year to keep and create jobs here in America. Barriers have been created and erected by Congress, and the results have been the wrong environment for the current day economy.

The world is changing. The world is getting more and more technical, and we, as a country, are not measuring up, and we are headed towards a third rate economy.

What a third rate economy means to our national security, to the future of our children is rather startling, and it is something we need to start preparing today to change. We must change the environment for keeping and creating jobs here.

In 10 to 20 years from now, we are looking at countries like China, currently with 1.3 billion people, India with 1 billion people, add that to Southeast Asia, and they get a group of about 3 billion people. Currently, they are in talks with trying to create an Asian Union, similar to the European Union, with the yuan as the currency of choice. This would be a very strong economy. It would be very difficult for America, who currently has the strongest economy in the world and the envy of the world, to compete with that.

Last year, China graduated 350,000 engineers. India graduated 80,000 software engineers alone. They are preparing for the future.

Today, a columnist for MSNBC wrote an article called, "Can China build its

own Silicon Valley? Beijing's recipe for technological success." In this article, China lays out what China's doing in their Zhongguancun district to create an environment to develop new technological businesses. They have already quite a few small high-tech companies in that area, and they also have the prestigious Tsinghua University, which is creating a lot of research and development to go along with this world-class technology incubator.

They are also providing business support, venture capital, legal services, property management and health care. It is a total package, a culture, if you will, to try to develop new ideas.

Dr. Meng Mei at the university said, "We need a culture that gives small companies the confidence to succeed." It sounds like something we need to do here in America. What they are giving them is an infrastructure, an entrepreneurial infrastructure, so that they can go out and create new technology, driving the leading edge, something that America has been doing for the last several decades. In China, the amount of money they spend on research and development has tripled between 1991 and 2001, according to the article.

In the meantime, what have we been doing here in America over the last generation? Well, starting in the 1960s, Congress started writing more rules and regulations and passing laws with good intent but terrible consequences.

We have come up with burdensome regulations that keeps new companies from starting up. We have a litigation system that works against success. We have health care costs that are rising faster than small employers can keep up with. We have got a tax policy that punishes success instead of rewarding success. We have an energy policy that is dependent on foreign sources. We have a trade policy that too often goes unenforced, and our research and development sometimes gets spent in wasteful ways instead of looking forward to the future. Our education system, sadly, is lagging behind, especially in math, science and engineering.

At the end of this article, it says, "While the number of U.S. science and engineering graduates declines, year after year, China's numbers are surging. China already graduates more English-speaking electrical engineers than does the U.S. Last month the U.S. came in 17th in an annual international collegiate programming contest; a team from Shanghai University came in first. And U.S. middle school math and science scores continue to lag behind those of other developed Nations."

We are on a path to a third rate economy that has worldwide implications for our future, for our kids, for our national security, and we have to change that environment.

This is the debate that we should be having today on the floor of the United States House of Representatives. This is how we are going to create the environment, by changing these rules and

regulations, so that we can create new jobs, create new technology and prepare for the oncoming challenges of the future.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 43 minutes p.m.), the House stood in recess until 2 p.m. today.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RADANOVICH) at 2 p.m.

#### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, when Your servant Moses came down from Mount Sinai, he carried the two stone tablets of Your commands. Struck by Your awesome presence, he bowed down to the ground in worship. Then he said: "If I find favor with you, O Lord, do come along and be in our company. Indeed, this is a stiff-necked people; yet pardon our wickedness and our sins and take us as Your very own."

Today, in America, O Lord, facing the image of Moses before us in this Chamber, we are again struck by Your presence. We pray that You be in our company now. Pardon our sins, because we too can be a stiff-necked people. Truly take us as Your own. Make of us a strong and virtuous Nation, a people truly set apart to be Your hallmark of justice for all peoples and an instrument of peace in the world.

"For You are gracious and merciful, slow to anger, rich in kindness and fidelity" both now and forever.

Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. KNOLLENBERG) come forward and lead the House in the Pledge of Allegiance.

Mr. KNOLLENBERG led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced

that the Senate has agreed to a concurrent resolution of the following titles:

S. Con. Res. 35. Concurrent resolution expressing the sense of Congress that the Government of the Russian Federation should issue a clear and unambiguous statement of admission and condemnation of the illegal occupation and annexation by the Soviet Union from 1940 to 1991 of the Baltic countries of Estonia, Latvia, and Lithuania.

The message also announced that pursuant to section 1928a-1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators to the Senate Delegation to the NATO Parliamentary Assembly during the One Hundred Ninth Congress:

the Senator from Alabama (Mr. SESSIONS).

the Senator from Wyoming (Mr. ENZI).

the Senator from Kentucky (Mr. BUNNING).

the Senator from Minnesota (Mr. COLEMAN).

#### TRIBUTE TO DR. BETTY SIEGEL

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, today I rise in honor of Dr. Betty Siegel, president of Kennesaw State University in Georgia. After 25 years of service to the University, Dr. Siegel will be retiring at the end of the year, and what an amazing 25 years it has been for her and for the students of Kennesaw State.

Back in 1981, Betty Siegel made headlines and chose the path less traveled when she became the first woman ever to serve as president in the 34-school university system of Georgia. Today, she makes headlines for all she has accomplished.

Under her leadership, KSU has grown tremendously, from a 4,000-student college offering 15 bachelor's degree programs and no graduate programs to today, with 18,000 students choosing from over 55 undergraduate and graduate programs.

The KSU slogan, "Dare to Dream," is epitomized by Dr. Betty Siegel in every imaginable way. Not only does she lead by example, but she instills every student with that motto.

So today I say thank you to Dr. Siegel. Thank you for daring to dream and thank you for daring to do all you have done to improve the lives of your students.

#### IT IS TIME FOR VOTES ON JUDICIAL NOMINEES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Senator JIM DEMINT published an excellent op-ed in The State newspaper yesterday that the Senate

has an obligation to ensure timely up-and-down votes for all nominees, regardless of who is President or which party is in power.

Ensuring that our courthouses are filled with well-qualified judges is one of the most important responsibilities of the U.S. Senate. As Senator DEMINT notes, the majority of Americans trust the Senate's judgment on judicial nominees, and it is unfair for a minority of Senators to ignore the will of the American people. If the minority's case against these nominees is so strong, they should be able to convince other Senators to oppose the nominees during a fair up-and-down vote.

This week, Majority Leader BILL FRIST will lead the Senate to vote on the constitutional option, which will restore a 200-year tradition to ensure that each nominee receives a fair vote. After years of debate on this topic, it is time for the Senate to follow the will of the American people.

In conclusion, God bless our troops and we will never forget September 11.

#### FISCAL LEADERSHIP

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise to praise the President and Republicans in this Congress for working to strengthen the economy and cut unnecessary spending. This is not rocket science or advanced economics. When we leave more money in the hands of citizens, the economy thrives.

Case in point: 274,000 new jobs were created in April. We have seen steady job gains for each of the last 23 months, and more Americans are working than ever before. In addition, our Federal deficit is forecast to be \$50 billion lower than expected.

Clearly, the economy's growth is a direct result of the pro-growth agenda of the President and this Congress. By holding the line on fiscal responsibility in the budget and passing pro-growth bills such as the death tax repeal and the energy bill, Republican Members continue to show their commitment to America's economy.

The House has begun the appropriation season with Republicans working hard to display fiscal responsibility, just as we have been doing through out the session. We have reformulated the allocation process for Homeland Security funding so we can make sure these funds are not wasted and are used properly.

This Congress and this President are working hard and doing great work. Unfortunately, not enough focus is being put on the positive things happening in the world and in our country.

Let us not squander this opportunity to keep stepping in the right direction.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair

will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

#### STOP COUNTERFEITING IN MANUFACTURED GOODS ACT

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 32) to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks, as amended.

The Clerk read as follows:

H.R. 32

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Stop Counterfeiting in Manufactured Goods Act".

(b) FINDINGS.—The Congress finds that—

(1) the United States economy is losing millions of dollars in tax revenue and tens of thousands of jobs because of the manufacture, distribution, and sale of counterfeit goods;

(2) the Bureau of Customs and Border Protection estimates that counterfeiting costs the United States \$200 billion annually;

(3) counterfeit automobile parts, including brake pads, cost the auto industry alone billions of dollars in lost sales each year;

(4) counterfeit products have invaded numerous industries, including those producing auto parts, electrical appliances, medicines, tools, toys, office equipment, clothing, and many other products;

(5) ties have been established between counterfeiting and terrorist organizations that use the sale of counterfeit goods to raise and launder money;

(6) ongoing counterfeiting of manufactured goods poses a widespread threat to public health and safety; and

(7) strong domestic criminal remedies against counterfeiting will permit the United States to seek stronger anticounterfeiting provisions in bilateral and international agreements with trading partners.

#### SEC. 2. TRAFFICKING IN COUNTERFEIT MARKS.

Section 2320 of title 18, United States Code, is amended as follows:

(1) Subsection (a) is amended by inserting after "such goods or services" the following: "or intentionally traffics or attempts to traffic in labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature, knowing that a counterfeit mark has been applied thereto, the use of which is likely to cause confusion, to cause mistake, or to deceive,".

(2) Subsection (b) is amended to read as follows:

"(b)(1) The following property shall be subject to forfeiture to the United States and no property right shall exist in such property:

"(A) Any article bearing or consisting of a counterfeit mark used in committing a violation of subsection (a).

"(B) Any property used, in any manner or part, to commit or to facilitate the commission of a violation of subsection (a).

"(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend

to any seizure or civil forfeiture under this section. At the conclusion of the forfeiture proceedings, the court, unless otherwise requested by an agency of the United States, shall order that any forfeited article bearing or consisting of a counterfeit mark be destroyed or otherwise disposed of according to law.

“(3)(A) The court, in imposing sentence on a person convicted of an offense under this section, shall order, in addition to any other sentence imposed, that the person forfeit to the United States—

“(i) any property constituting or derived from any proceeds the person obtained, directly or indirectly, as the result of the offense;

“(ii) any of the person’s property used, or intended to be used, in any manner or part, to commit, facilitate, aid, or abet the commission of the offense; and

“(iii) any article that bears or consists of a counterfeit mark used in committing the offense.

“(B) The forfeiture of property under subparagraph (A), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section. Notwithstanding section 413(h) of that Act, at the conclusion of the forfeiture proceedings, the court shall order that any forfeited article or component of an article bearing or consisting of a counterfeit mark be destroyed.

“(4) When a person is convicted of an offense under this section, the court, pursuant to sections 3556, 3663A, and 3664, shall order the person to pay restitution to the owner of the mark and any other victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii).

“(5) The term ‘victim’, as used in paragraph (4), has the meaning given that term in section 3663A(a)(2).”

(3) Subsection (e)(1) is amended—

(A) by striking subparagraph (A) and inserting the following:

“(A) a spurious mark—

“(i) that is used in connection with trafficking in any goods, services, labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature;

“(ii) that is identical with, or substantially indistinguishable from, a mark registered on the principal register in the United States Patent and Trademark Office and in use, whether or not the defendant knew such mark was so registered;

“(iii) that is applied to or used in connection with the goods or services for which the mark is registered with the United States Patent and Trademark Office, or is applied to or consists of a label, patch, sticker, wrapper, badge, emblem, medallion, charm, box, container, can, case, hangtag, documentation, or packaging of any type or nature that is designed, marketed, or otherwise intended to be used on or in connection with the goods or services for which the mark is registered in the United States Patent and Trademark Office; and

“(iv) the use of which is likely to cause confusion, to cause mistake, or to deceive; or”; and

(B) by amending the matter following subparagraph (B) to read as follows:

“but such term does not include any mark or designation used in connection with goods or services, or a mark or designation applied to labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documenta-

tion, or packaging of any type or nature used in connection with such goods or services, of which the manufacturer or producer was, at the time of the manufacture or production in question, authorized to use the mark or designation for the type of goods or services so manufactured or produced, by the holder of the right to use such mark or designation.”.

(4) Section 2320 is further amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following:

“(f) Nothing in this section shall entitle the United States to bring a criminal cause of action under this section for the repackaging of genuine goods or services not intended to deceive or confuse.”.

#### SEC. 3. SENTENCING GUIDELINES.

(a) REVIEW AND AMENDMENT.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of any offense under—

(1) section 1204 of title 17, United States Code; or

(2) section 2318 or 2320 of title 18, United States Code.

(b) AUTHORIZATION.—The United States Sentencing Commission may amend the Federal sentencing guidelines in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

(c) RESPONSIBILITIES OF UNITED STATES SENTENCING COMMISSION.—In carrying out this section, the United States Sentencing Commission shall determine whether the definition of “infringement amount” set forth in application note 2 of section 2B5.3 of the Federal sentencing guidelines is adequate to address situations in which the defendant has been convicted of one of the offenses listed in subsection (a) and the item in which the defendant trafficked was not an infringing item but rather was intended to facilitate infringement, such as an anti-circumvention device, or the item in which the defendant trafficked was infringing and also was intended to facilitate infringement in another good or service, such as a counterfeit label, documentation, or packaging, taking into account cases such as *U.S. v. Sung*, 87 F.3d 194 (7th Cir. 1996).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 20 minutes.

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent to yield the balance of the time to the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 32, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 32, the Stop Counterfeiting in Manufactured Goods Act. This legislation will facilitate efforts by the Department of Justice to prosecute those who exploit the good names of companies by attaching counterfeit marks to substandard products.

This is a serious problem. Legitimate businesses work hard to build public trust and confidence in their products. When a legitimate company’s name is attached to counterfeit products that are not authorized by the company to bear that name, the company suffers losses not only to its bottom line but to its reputation as well.

In addition, counterfeit products are often purchased unwittingly by consumers who have come to rely on the quality of the product by a company they know and trust. Instead, what they receive is a low-quality, often dangerous imitation. Some of these products are such poor imitations of the original that they have caused physical harm to consumers.

The FBI has identified counterfeit goods in a wide range of products, including pharmaceuticals, automobile parts, airport parts, baby formulas, and children’s toys. The U.S. automobile industry has reported a number of instances of brake failure caused by counterfeit brake pads manufactured from wooden chips. Counterfeits of other products, such as prescription or over-the-counter medications, may have serious health consequences if they are used by an unsuspecting consumer.

Under this legislation, section 2320 of title 18 would be expanded to include penalties for those who traffic in counterfeit labels, symbols, or packaging of any type knowing that a counterfeit mark has been applied. Additionally, this legislation would require the forfeiture of any property derived directly or indirectly from the proceeds of the violations as well as any property used or intended to be used in relation to the offense. The legislation also requires that restitution be paid to the owner of the mark which was counterfeited.

By mid-fiscal year 2003, the Department of Homeland Security had already reported 3,117 seizures of counterfeit-branded goods, including cigarettes, books, apparel, hand bags, toys, and electronic games, with an estimated street value of \$38 million. Fortune 500 companies are spending between \$2 million and \$4 million each and every year to fight counterfeiters.

The counterfeiting of manufactured goods produces staggering losses to businesses across the United States and around the world. Counterfeit products deprive the Treasury of tax revenues, add to the national trade deficit, subject consumers to health and safety risks, and leave consumers without any legal recourse when they are

financially or physically injured by counterfeit products.

In addition, established links between counterfeiting, terrorism, and organized crime have made this a priority for Federal law enforcement agencies. H.R. 32 will provide another tool for the Federal Government to stop the wave of counterfeit products flooding the marketplace.

This legislation has broad bipartisan support. It was amended in the Committee on the Judiciary to ensure only those individuals who are operating with an intent to deceive or confuse the consumer by attaching counterfeit labeling or packaging will be held criminally liable.

I urge my colleagues to support this very important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this legislation. H.R. 32 is aimed at criminals who traffic in counterfeit labels and packaging rather than the products themselves.

Many counterfeit products are labeled with brand names or trademarks that consumers know and trust. However, under current law, trafficking in counterfeit labels is not illegal if the labels are not affixed to the counterfeit products. Counterfeiters have exploited this by importing the counterfeit labels and products separately, and then affixing the labels in the United States.

This bill expands criminal penalties to include those who traffic in counterfeit labels and packaging. It also requires forfeiture of any property derived from the proceeds of the violation and requires restitution to the trademark owner.

At the same time, H.R. 32 now includes language that will ensure that criminal sanctions do not reach legitimate businesses that repackage goods or services with no intent to deceive or cause confusion.

The original bill left open the question of whether someone other than the manufacturer could affix marks to goods that could correctly identify the source. This confusion struck at the very heart of the parallel market in which third parties lawfully obtain goods and make them available in discount stores. Not only has this practice been upheld by the Supreme Court, but it also saves consumers billions of dollars each year.

I appreciate that the majority worked with us to address this concern. We now have a bill that protects manufacturers, targets illegitimate actors, protects consumers, and leaves the legitimate parallel market unscathed. Therefore, I urge a "yes" vote on this legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1415

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding me this time and bringing this legislation to the floor, and I especially want to commend the gentleman from Michigan (Mr. KNOLLENBERG) for his persistence in this matter.

Several years ago I had an opportunity to bring forward legislation which passed the House and was signed into law by President Clinton which significantly increased the authority of the U.S. Customs Service to deal with this problem of counterfeit goods. Up until that time, when counterfeit goods were discovered by Customs inspectors, all they could do was refuse to allow them into the country.

What happened was they would simply bring them around to another port and try again. Eventually, they would succeed, or they would send them to another market in the world and wreak the havoc that these counterfeit goods do in terms of health and safety concerns and cost to businesses elsewhere in the world. That was changed so that now the Customs Service can seize and destroy these goods.

This is the next logical step to handling that. When the criminals bring these goods into the country and do not have the labels on them and escape liability because they have separated the labels from the counterfeit goods, that is obviously a loophole that needed to be plugged.

I commend the gentleman and the committee for offering this legislation. I urge my colleagues to adopt it.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. LEVIN), an original cosponsor of this bill.

Mr. LEVIN. Mr. Speaker, I am glad to join the gentleman from Michigan (Mr. KNOLLENBERG) and all of the members on the committee who have worked hard on this bill to make sure that it is targeted in the right direction and that it will be, indeed, effective.

We have an immense counterfeiting problem in this country. A lot of it occurs overseas outside of our shores, but a lot of it occurs right here in the United States. We need to do more about what is going on overseas. I heard on the radio coming in this morning that they are selling in China a counterfeit DVD of the new "Star Wars" movie, and people here in the United States are waiting in line to get into the theater.

Here in the U.S. the counterfeiting problem has grown, and that was the inspiration for this bill. It has struck manufacturing in many respects. It has surely hurt the automobile industry, including the auto parts industry. Some estimates are that counterfeiting has cost the automotive parts industry over \$12 billion in the last year. This is a time when that industry, as so many other parts of manufacturing, are having an immense challenge. They face an unlevel playing field. There is much

talk in trade and competition about the need to level it, and there is nothing that rigs a field more than counterfeiting. That is the ultimate rigging.

This bill is an effort to get at this problem, to increase the sanctions, to increase the ability of law enforcement to crack down.

Mr. Speaker, I hope there is unanimous support for this bill. There is surely bipartisan support. Again, we have been glad to work with the gentleman from Michigan (Mr. KNOLLENBERG) and others on this, and we salute the Committee on the Judiciary, the majority and the minority, for taking this issue seriously and working out any problems and placing this bill on a path where it could be brought up today and, we hope, supported across the board.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), the principal sponsor of the bill.

(Mr. KNOLLENBERG asked and was given permission to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I rise today in support of my bill, H.R. 32, the "Stop Counterfeiting in Manufactured Goods Act." This legislation will help stop the scourge of counterfeit manufactured goods.

Let me thank the Committee on the Judiciary in its entirety, particularly the gentleman from Wisconsin (Chairman SENSENBRENNER) for all of his assistance, the subcommittee chairmen, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Texas (Mr. SMITH), and the majority leader for his leadership in bringing the bill to the floor today.

Most people understand that counterfeit goods is a problem, but many people do not understand how severe the problem is and how severe it has become. Counterfeiters are endangering consumers, are stealing jobs and money away from legitimate companies, destroying brand names and requiring costly investigations. The numbers are staggering, in addition to safety issues, and it has been mentioned about counterfeit auto parts, but they cost the automotive supplier over \$12 billion annually. It has been estimated if these losses were eliminated, the industry could hire some 200,000 additional workers.

The impact of counterfeiters affects almost every manufacturing industry in the country, including clothing, batteries, electronics and even pharmaceuticals. When it comes to the economy, the U.S. Customs Service has estimated that counterfeiting resulted in the loss of some 750,000 jobs and cost the U.S. around \$20 billion annually. It is estimated almost 7 percent of world trade is counterfeit.

My bill has two key provisions that will help address the problem. The first provision is the most important. It requires the mandatory destruction and forfeiture of the equipment and materials used to make counterfeit goods.

Under current law, a convicted trademark counterfeiter is only required to give up the actual counterfeit goods, not the machinery used to make those goods. My bill would prohibit trafficking in counterfeit labels, patches, and medallions.

Passing this bill will send a signal to counterfeiters around the world that the U.S. will fight this growing problem. This bill will give prosecutors more tools to go after the criminals and punish them severely. This legislation also addresses the global problem, and has the widespread support of the MEMA, NEMA, and the U.S. Chamber of Commerce.

Mr. Speaker, I rise today in support of my bill, H.R. 32—the “Stop Counterfeiting in Manufactured Goods Act.” This legislation will help stop the scourge of counterfeit manufactured goods.

Let me thank the Judiciary Committee, including Chairman SENSENBRENNER, Subcommittee Chairman COBLE and Subcommittee Chairman LAMAR SMITH. They’ve all provided important leadership to bring this bill to the floor today. I’d also like to thank the leadership, including Majority Leader DELAY, for their help in getting this bill through the process.

The economy of my district is largely centered on the auto industry, particularly auto suppliers. In fact, my district includes the headquarters of over one-fourth of the 100 largest auto suppliers in North America, as well as a host of small suppliers.

To say that the manufacturing sector is important to my district and to the State of Michigan is an understatement. In my district alone, there are more than 1,500 manufacturing entities, and over 90 percent of them have less than 100 employees.

Most people understand that counterfeit goods are a problem. But many people don’t understand just how severe the problem has become.

Early last year, I was made aware of the serious and growing problem of counterfeit auto parts. What I found out was the counterfeiters are making all sorts of fake parts including brake pads, spark plugs, old filters, and in one case even an entire car. I was struck by how large an impact counterfeiters are having on the auto supplier industry.

The numbers, in fact, are staggering. In addition to the obvious safety issues, counterfeit automobile parts cost the automotive supplier industry over \$12 billion annually. It’s estimated that if these losses were eliminated, and those sales were brought into legitimate companies, the auto industry could hire 200,000 additional workers. It’s important to remember those numbers, because counterfeiting is not a victimless crime.

In addition to selling bogus products, the counterfeiters are stealing jobs and money away from legitimate companies, destroying brand names, increasing warranty claims, and requiring legal fees and costly investigations.

The fight against counterfeiters is not limited to the automotive industry. The impact of counterfeiters is broad and affects just about every manufacturing industry in the country—including clothing, batteries, electronics, and even pharmaceuticals.

When it comes to the economy overall, the U.S. Customs Service has estimated that

counterfeiting has resulted in the loss of 750,000 jobs and costs the United States around \$200 billion annually. The International Chamber of Commerce estimates that seven percent of the world’s trade is in counterfeit goods and that the counterfeit market is worth \$350 billion. We must provide more tools to fight counterfeiters, not only for the economy, but for the safety of our consumers.

My bill has two key provisions that will help stop criminals who use counterfeit trademarks.

The first provision is the most important and gets at the roots of the problem—it requires the mandatory destruction and forfeiture of the equipment and materials used to make the counterfeit goods.

Under current law, a convicted trademark counterfeiter is only required to give up the actual counterfeit goods, not the machinery used to make those goods. If we don’t take away the equipment used to make the fake goods, what’s to stop the criminals from going back to make more? My bill would require the convicted criminals to give up not just the counterfeit goods, but also the equipment they used to make those goods. This will help to dig up the counterfeiting networks by the roots.

In addition to this provision, my bill also prohibits trafficking in counterfeit labels, patches, and medallions.

Under current law, it is legal to make and sell these items if they are not attached to a particular counterfeit good. This just doesn’t make sense. Why would counterfeiters make these labels, if not for the chance at illegal profits?

This bill will send a signal to counterfeiters that the United States is serious about fighting this growing problem. Passing this bill will give prosecutors more tools to go after the criminals here in the U.S. and punish them severely.

This bill is also necessary to address the problem globally. Most of the counterfeit goods are being manufactured in other countries, particularly China. Some countries are better than others at fighting counterfeiting, but we need to have ways to prod the stragglers. However, we can’t demand that other countries take steps to combat trademark counterfeiting that we have not taken ourselves.

So, by passing my bill and improving our own law, Congress will empower our trade negotiators to press for stronger anti-counterfeiting provisions in other countries. We will show the world that the United States is serious about putting counterfeiters out of business for good.

This bill has broad support, including the U.S. Chamber of Commerce, the National Association of Manufacturers, the Motor and Equipment Manufacturers Association, the National Electrical Manufacturers Association, the IACC, International Trademark Association and a host of major associations and corporations.

As I have outlined, counterfeiting is a very serious worldwide problem that threatens public safety, hurts the U.S. economy and costs Americans thousands of manufacturing jobs. No one supports counterfeiters, and we must do everything we can to eliminate the problem.

For these reasons, Mr. Speaker, I respectfully urge my colleagues to support H.R. 32, the Stop Counterfeiting in Manufactured Goods Act, and I yield back the remainder of my time.

Mr. CONYERS. Mr. Speaker, I rise in support of this legislation and thank the Chairman and his staff for working with us to ensure the bill does not overreach.

The bill was designed to target illegitimate actors who trade in counterfeit marks. We all agree that manufacturers have a right to ensure that fake goods are not marketed in their names and that their own goods are not marketed under fake names.

The bill as originally written, however, could have been construed by some as going further than that. It left as an open question whether someone other than the manufacturer could affix marks to goods that correctly identify the source of the goods. This ambiguity could have had a negative impact on the parallel market, in which third parties lawfully obtain goods and make them available in discount stores. Not only has this practice been upheld by the Supreme Court, but it also saves consumers billions of dollars each year.

Fortunately, H.R. 32 was amended in the full committee pursuant to an amendment offered by Representative WEXLER to clarify that the legislation is not intended to be relied upon as a weapon against the secondary discount marketplace to the detriment of American consumers—consumers dependent upon the price options and competition afforded by alternative sources of genuine goods.

In particular, H.R. 32 was amended to specifically protect lawful repackaging of genuine goods by ensuring that any such third party repackaging, not intended to deceive or confuse, is specifically saved from criminal prosecution under this Act. The Committee specifically agreed that combining single genuine products into gift sets, separating combination set of genuine goods into individual items for resale, inserting coupons into original packaging or repackaged items, affixing labels to track or otherwise identify genuine products and removing genuine goods from original packaging for customized retail displays were not covered by the legislation as they provide important value to American consumers.

I am happy to report that the final language ensures that H.R. 32 adequately protects lawful American businesses, including those servicing the discount marketplace, while, at the same time punishes illicit counterfeiting activity. As a result of these good faith negotiations, we now have a bill that protects manufacturers, targets illegitimate actors, and leaves a legitimate industry unscathed.

I urge a “yes” vote on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this legislation that concerns such an important matter that affects interstate commerce as referenced in Article I, Section 8 of the United States Constitution. The Committee on the Judiciary rightly exercised oversight over the issue of counterfeiting products and conspiring to commit retail theft, and I applaud the gentleman from Michigan for having crafted legislation that has garnered bipartisan support.

Similar legislation, namely H.R. 3632, the “Anti-Counterfeiting Amendments Act of 2003” in the 108th Congress, passed under suspension of the rules and became law, and I supported it. That measure regulated the trafficking of certain security components of products, for example, Certificates of Authenticity (COAs). Now that it has become law, piracy of these security markers, which are the source of each product’s value, will be discouraged by way of criminal consequences.



In the context of discussing H.R. 3632, I cited a situation in Texas in which a crime ring was implicated for the import of over 100 million counterfeit cigarettes by mislabeling shipping documents and indicating that they were importing toys or plastic parts. That crime threatened the copyright royalties of property owners.

However, this legislation extrapolates that aspect of criminal activity by inserting the possibility that unsafe products as well as counterfeit products could be circulated in the flow of interstate commerce.

Last year, U.S. Immigration and Customs Enforcement officials seized fake goods valued at \$22 million in the Houston area alone. Federal inspectors now work to curtail the flow of fake Louis Vuitton and Coach handbags and other items coming from Houston, which lags behind only New York and Los Angeles in supplying counterfeit products to the rest of the nation. Furthermore, during Super Bowl XXXVIII that was held in Houston this past year, NFL investigators seized about 1,000 counterfeit products in Houston that were peddled by two vendors.

Therefore, the subject matter of this bill is of great importance to me. This bill is largely bipartisan; however, we have a duty to ensure that its provisions are narrowly tailored before passing them into law.

At the Committee level, I had questions regarding the intended scope of search and seizure law and how H.R. 32 proposes to change it. One question that I posed relates to the property forfeiture provision found on page 3, line 21 of the bill as drafted. Subparagraphs (A) and (B) are conjunctive so as to require both findings before a forfeiture would follow—how proposes to prevent law enforcement from seizing the property of an innocent person (assuming it is in possession or use by the perpetrator of the underlying offense). I hope that this legislation is clear in its provisions to jurists in order to prevent future appellate litigation that can be both costly and time consuming—to the detriment of bona fide claimants.

Another question I posed goes to the matter of restitution. Section 2, page 4, lines 15–16 would require one convicted of the offense in question to pay restitution damages to the “victim” as defined in Title 18, Section 3663(A)(2):

a person directly and *proximately harmed* as a result of the commission of an offense for which restitution may be ordered including, in the case of an offense that involves as an element a scheme, conspiracy, or pattern of criminal activity, any person directly harmed by the defendant’s criminal conduct in the course of the scheme, conspiracy, or pattern.

(emphasis added). I queried whether the drafter of this bill contemplate those proximately harmed by the perpetration of the crimes enumerated to include state governments. As I cited earlier in my statement, criminals trafficked over 1,000 counterfeit products in the stream of commerce and caused the State of Texas, among others, to lose significant revenues.

I believe that H.R. 32 can provide much needed legislative protection of the American consumer and of the owners of intellectual and licensed property.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RADANOVICH). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 32, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### INTERNET SPYWARE (I-SPY) PREVENTION ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 744) to amend title 18, United States Code, to discourage spyware, and for other purposes, as amended.

The Clerk read as follows:

H.R. 744

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Internet Spyware (I-SPY) Prevention Act of 2005”.

#### SEC. 2. PENALTIES FOR CERTAIN UNAUTHORIZED ACTIVITIES RELATING TO COMPUTERS.

(a) IN GENERAL.—Chapter 47 of title 18, is amended by inserting after section 1030 the following:

##### “§ 1030A. Illicit indirect use of protected computers

“(a) Whoever intentionally accesses a protected computer without authorization, or exceeds authorized access to a protected computer, by causing a computer program or code to be copied onto the protected computer, and intentionally uses that program or code in furtherance of another Federal criminal offense shall be fined under this title or imprisoned not more than 5 years, or both.

“(b) Whoever intentionally accesses a protected computer without authorization, or exceeds authorized access to a protected computer, by causing a computer program or code to be copied onto the protected computer, and by means of that program or code—

“(1) intentionally obtains, or transmits to another, personal information with the intent to defraud or injure a person or cause damage to a protected computer; or

“(2) intentionally impairs the security protection of the protected computer with the intent to defraud or injure a person or damage a protected computer;

shall be fined under this title or imprisoned not more than 2 years, or both.

“(c) No person may bring a civil action under the law of any State if such action is premised in whole or in part upon the defendant’s violating this section. For the purposes of this subsection, the term ‘State’ includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

“(d) As used in this section—

“(1) the terms ‘protected computer’ and ‘exceeds authorized access’ have, respectively, the meanings given those terms in section 1030; and

“(2) the term ‘personal information’ means—

“(A) a first and last name;

“(B) a home or other physical address, including street name;

“(C) an electronic mail address;

“(D) a telephone number;

“(E) a Social Security number, tax identification number, drivers license number, passport number, or any other government-issued identification number; or

“(F) a credit card or bank account number or any password or access code associated with a credit card or bank account.

“(e) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States.”.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, is amended by inserting after the item relating to section 1030 the following new item:

“1030A. Illicit indirect use of protected computers.”.

#### SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

In addition to any other sums otherwise authorized to be appropriated for this purpose, there are authorized to be appropriated for each of fiscal years 2006 through 2009, the sum of \$10,000,000 to the Attorney General for prosecutions needed to discourage the use of spyware and the practices commonly called phishing and pharming.

#### SEC. 4. FINDINGS AND SENSE OF CONGRESS CONCERNING THE ENFORCEMENT OF CERTAIN CYBERCRIMES.

(a) FINDINGS.—Congress makes the following findings:

(1) Software and electronic communications are increasingly being used by criminals to invade individuals’ and businesses’ computers without authorization.

(2) Two particularly egregious types of such schemes are the use of spyware and phishing scams.

(3) These schemes are often used to obtain personal information, such as bank account and credit card numbers, which can then be used as a means to commit other types of theft.

(4) In addition to the devastating damage that these heinous activities can inflict on individuals and businesses, they also undermine the confidence that citizens have in using the Internet.

(5) The continued development of innovative technologies in response to consumer demand is crucial in the fight against spyware.

(b) SENSE OF CONGRESS.—Because of the serious nature of these offenses, and the Internet’s unique importance in the daily lives of citizens and in interstate commerce, it is the sense of Congress that the Department of Justice should use the amendments made by this Act, and all other available tools, vigorously to prosecute those who use spyware to commit crimes and those that conduct phishing and pharming scams.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 744, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 744, the Internet Spyware Prevention Act of 2005. This legislation clarifies and enhances criminal penalties and provides additional tools to prosecute and deter those who utilize spyware and phishing schemes to engage in illegal behavior online.

Since its inception, the Internet has been transformed from an obscure research tool into an electronic medium of unprecedented reach. The impressive growth of the Internet has been facilitated by technology that has customized the online experience of Internet users. However, the same software and technology innovations that have enhanced and personalized usage of the Internet can also provide opportunities for privacy violations and criminal behavior.

This bill establishes strong criminal penalties for those who engage in online criminal behavior using spyware programs and phishing schemes. This legislation enhances criminal penalties for those who obtain personally identifiable information, including a Social Security number or other government-issued identification number or a bank or credit card number with the intent to defraud or injure a person or cause damage to a protected computer.

The bill also authorizes appropriations for the Justice Department to crack down on spyware, phishing, and other online schemes.

As we consider this legislation, Congress must be mindful that there is no single legal regulatory or technological silver bullet to end spyware or phishing. Greater consumer awareness and utilization of commercially available countermeasures are part of the solution. Congressional efforts to curb spyware and phishing are most likely to succeed if we focus on deterring and prosecuting illegal and abusive online behavior, rather than imposing burdensome requirements upon a medium whose growth can largely be attributed to the refusal of the Federal Government to heavily regulate it.

H.R. 744 does not impose a new statutory or regulatory regime that dictates the appearance of a computer's user screen, nor does it degrade the online experience by requiring that Internet users be bombarded with incessant notices. Most importantly, it does not represent a heavy-handed government mandate that may present a greater danger to the Internet than it seeks to correct. Rather, the bill preserves and promotes the integrity of the Internet by increasing criminal penalties for those who employ it to engage in abusive and illegal online activities.

Targeted legislation tailored to address illegal online activity rather than an invasive regulatory regime

with unknown consequences represents the right approach to addressing the problems associated with spyware and phishing. Congress ratified this approach by passing substantially similar legislation last Congress by a vote of 415-0.

I would like to thank the gentleman from Virginia (Mr. GOODLATTE), the author and lead proponent of H.R. 744 for his leadership on this issue. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to have partnered with the gentleman from Virginia (Mr. GOODLATTE) on this legislation, H.R. 744, the Goodlatte-Loftgren I-SPY bill. Spyware is quickly becoming one of the biggest threats to consumers on the Internet. It is one of the reasons why we have an identity theft epidemic in this country. Thieves are using spyware to harvest personal information from unsuspecting Americans. Criminals are even using spyware to track every keystroke an individual makes, including credit and Social Security numbers.

Spyware also adversely affects the business community, who are forced to spend money to block and remove it from their systems. In fact, Microsoft has stated that spyware is at least partially responsible for approximately one-half of all application crashes reported to them. Experts estimate that as many as 80 to 90 percent of all personal computers contain some form of spyware.

Last year, Earthlink identified more than 29 million spyware programs. In short, spyware is a very real problem that is endangering consumers, damaging businesses and creating millions of dollars of additional costs. I am proud to be a party to H.R. 744, this bipartisan measure, because it identifies the truly unscrupulous acts associated with spyware and subjects them to criminal punishment.

This bill is unique, however, because it focuses on behavior rather than technology. It targets the worst forms of spyware without unduly burdening technological innovation. Why is this important? We know that innovation goes faster than legislation. It is important that we not try to fix the development of legislation in time. Instead, we need to focus on misbehavior, not technology, so that technology innovation can continue to move as rapidly as it does and yet the American consumer and businesses can be protected.

It is important, and this is an issue that there was some question about and I think we can answer quite easily, it is important to note that H.R. 744 does not prevent existing or future State laws which prohibit spyware. This bill only preempts civil actions that are based on violations of this new Federal criminal law in State courts. It

does not prevent a State from passing a similar law, nor does it prevent any lawsuits that are premised on existing State laws.

□ 1430

H.R. 744 also gives the Attorney General the money he needs to find and prosecute spyware offenders. And, finally, it expresses the sense of Congress that the Department of Justice should vigorously pursue online phishing scams in which criminals send fake e-mail messages to consumers on behalf of famous companies and request personal information that is later used to conduct criminal activities.

Phishing and spyware are not just an inconvenience to consumers. They represent a direct threat to the vitality of the Internet itself because if people cannot trust the Internet, they will not utilize Internet commerce.

I would like to note that I also serve on the Committee on Homeland Security, and we are well aware that phishing to the extent that it yields identity theft information is of great concern as we seek to protect the Nation from terrorism. So what we are doing here today is important for consumers, it is important for business, it is important for the future of our high-tech economy, and it is important for the security of the Nation. I would urge my colleagues to strike a blow for the continued vitality of the Internet and again pass this bill unanimously.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE), the principal author of the bill.

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of the Internet Spyware I-SPY Prevention Act and thank the gentleman from Wisconsin, the chairman of the committee, for moving this legislation to the floor. This bipartisan legislation which I was pleased to introduce with the gentleman from California (Ms. ZOE LOFGREN) will impose tough criminal penalties on the truly bad actors without imposing a broad regulatory regime on legitimate online businesses. I believe that this targeted approach is the best way to combat spyware.

Specifically, this legislation would impose up to a 5-year prison sentence on anyone who uses software to intentionally break into a computer and uses that software in furtherance of another Federal crime. In addition, it would impose up to a 2-year prison sentence on anyone who uses spyware to intentionally break into a computer and either alter the computer's security settings or obtain personal information with the intent to defraud or injure a person or with the intent to damage a computer.

In addition to strong penalties, enforcement is crucial in combating spyware. The I-SPY Prevention Act authorizes \$10 million for fiscal years 2006



through 2009 to be devoted to prosecutions and expresses the sense of Congress that the Department of Justice should vigorously enforce the law against spyware violations as well as against online phishing scams in which criminals send fake e-mail messages to consumers on behalf of well-known companies and request account information that is later used to conduct criminal activities.

The bill also directs resources to the Department of Justice to combat pharming scams in which hackers intercept Internet traffic and redirect unknowing Internet users to fake Web sites where they often trick consumers into giving their account information and passwords.

I believe that four overarching principles should guide the consideration of any spyware legislation: first, we must punish the bad actors while protecting legitimate online companies; second, we must not overregulate but, rather, encourage innovative new services and the growth of the Internet; third, we must not stifle the free market; and, fourth, we must target the behavior, not the technology.

The targeted approach of the I-SPY Prevention Act will protect consumers by punishing the bad actors without imposing liability on those that act legitimately online. In addition, this legislation will avoid excessive regulation such as one-size-fits-all notice and consent requirements prescribed by the Federal Government. A targeted approach will avoid red tape that hampers the creation of new and exciting technologies and services on the Internet.

By encouraging innovation, the I-SPY Prevention Act will help ensure that consumers have access to cutting-edge products and services at lower prices. Increasingly, consumers want a seamless interaction with the Internet, and we must be careful to not interfere with businesses' ability to respond to this consumer demand with innovative services. The I-SPY Prevention Act will help ensure that consumers, not the Federal Government, define what their interaction with the Internet looks like.

As we move forward, I look forward to continuing to work with all stakeholders to further ensure that bad actors are punished while legitimate businesses are protected including working with the Department of Justice which has expressed an interest in working with our office on this issue. In addition, technological solutions are crucial in winning the fight against spyware. As the spyware debate continues, I look forward to working to ensure that antispyware technologies are fostered and that they are not subjected to frivolous lawsuits from spyware providers.

I urge my colleagues to support this important legislation.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

I would just note that the House will be considering at least two items having to do with spamming and phishing and the like today. Certainly we hope to move this issue forward. I strongly believe that the approach that this bill takes, which is targeting behavior instead of technology, puts us on the soundest footing; and I hope that in the end as we sort through the various approaches that that will be our guide to protect technology innovation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I support the legislation before us that has been introduced by my colleague from California, Representative LOFGREN as well as the Gentleman from Virginia, Representative GOODLATTE. It amends the federal computer fraud and abuse statute to make it a clear offense to access a computer without authorization or to intentionally exceed authorized access by causing a computer program or code to be copied onto the computer and using that program or code to transmit or obtain personal information (for example, first and last names, addresses, e-mail addresses, telephone numbers, Social Security numbers, drivers license numbers, or bank or credit account numbers).

Furthermore, H.R. 744 authorizes appropriations for these crimes and discourages the practice of 'phishing.' As we all know too well, spyware is quickly becoming one of the biggest threats to consumers on the information superhighway. Spyware encompasses several potential risks including the promotion of identity theft by harvesting personal information from consumer's computers. Additionally, it can adversely affect businesses, as they are forced to sustain costs to block and remove spyware from employees' computers, in addition to the potential impact on productivity.

Spyware has been defined as "software that aids in gathering information about a person or organization without their knowledge and which may send such information to another entity with the consumer's consent, or asserts control over a computer with the consumer's knowledge." Among other things, criminals can use spyware to track every keystroke an individual makes, including credit card and social security numbers.

Some estimates suggest 25 percent of all personal computers contain some kind of spyware while other estimates show that spyware afflicts as many as 80-90 percent of all personal computers. Businesses are reporting several negative effects of spyware. Microsoft says evidence shows that spyware is "at least partially responsible for approximately one-half of all application crashes" reported to them, resulting in millions of dollars of unnecessary support calls.

Mr. Speaker, again, I am strongly in support of the legislation.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RADANOVICH). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 744, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of

those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SECURELY PROTECT YOURSELF AGAINST CYBER TRESPASS ACT

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 29) to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 29

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Securely Protect Yourself Against Cyber Trespass Act" or the "Spy Act".

#### SEC. 2. PROHIBITION OF [UNFAIR OR] DECEPTIVE ACTS OR PRACTICES RELATING TO SPYWARE.

(a) PROHIBITION.—It is unlawful for any person, who is not the owner or authorized user of a protected computer, to engage in unfair or deceptive acts or practices that involve any of the following conduct with respect to the protected computer:

(1) Taking control of the computer by—

(A) utilizing such computer to send unsolicited information or material from the computer to others;

(B) diverting the Internet browser of the computer, or similar program of the computer used to access and navigate the Internet—

(i) without authorization of the owner or authorized user of the computer; and

(ii) away from the site the user intended to view, to one or more other Web pages, such that the user is prevented from viewing the content at the intended Web page, unless such diverting is otherwise authorized;

(C) accessing, hijacking, or otherwise using the modem, or Internet connection or service, for the computer and thereby causing damage to the computer or causing the owner or authorized user or a third party defrauded by such conduct to incur charges or other costs for a service that is not authorized by such owner or authorized user;

(D) using the computer as part of an activity performed by a group of computers that causes damage to another computer; or

(E) delivering advertisements that a user of the computer cannot close without undue effort or knowledge by the user or without turning off the computer or closing all sessions of the Internet browser for the computer.

(2) Modifying settings related to use of the computer or to the computer's access to or use of the Internet by altering—

(A) the Web page that appears when the owner or authorized user launches an Internet browser or similar program used to access and navigate the Internet;

(B) the default provider used to access or search the Internet, or other existing Internet connections settings;

(C) a list of bookmarks used by the computer to access Web pages; or

(D) security or other settings of the computer that protect information about the owner or authorized user for the purposes of

causing damage or harm to the computer or owner or user.

(3) Collecting personally identifiable information through the use of a keystroke logging function.

(4) Inducing the owner or authorized user of the computer to disclose personally identifiable information by means of a Web page that—

(A) is substantially similar to a Web page established or provided by another person; and

(B) misleads the owner or authorized user that such Web page is provided by such other person.

(5) Inducing the owner or authorized user to install a component of computer software onto the computer, or preventing reasonable efforts to block the installation or execution of, or to disable, a component of computer software by—

(A) presenting the owner or authorized user with an option to decline installation of such a component such that, when the option is selected by the owner or authorized user or when the owner or authorized user reasonably attempts to decline the installation, the installation nevertheless proceeds; or

(B) causing such a component that the owner or authorized user has properly removed or disabled to automatically reinstall or reactivate on the computer.

(6) Misrepresenting that installing a separate component of computer software or providing log-in and password information is necessary for security or privacy reasons, or that installing a separate component of computer software is necessary to open, view, or play a particular type of content.

(7) Inducing the owner or authorized user to install or execute computer software by misrepresenting the identity or authority of the person or entity providing the computer software to the owner or user.

(8) Inducing the owner or authorized user to provide personally identifiable, password, or account information to another person—

(A) by misrepresenting the identity of the person seeking the information; or

(B) without the authority of the intended recipient of the information.

(9) Removing, disabling, or rendering inoperative a security, anti-spyware, or antivirus technology installed on the computer.

(10) Installing or executing on the computer one or more additional components of computer software with the intent of causing a person to use such components in a way that violates any other provision of this section.

(b) **GUIDANCE.**—The Commission shall issue guidance regarding compliance with and violations of this section. This subsection shall take effect upon the date of the enactment of this Act.

(c) **EFFECTIVE DATE.**—Except as provided in subsection (b), this section shall take effect upon the expiration of the 6-month period that begins on the date of the enactment of this Act.

### SEC. 3. PROHIBITION OF COLLECTION OF CERTAIN INFORMATION WITHOUT NOTICE AND CONSENT.

(a) **OPT-IN REQUIREMENT.**—Except as provided in subsection (e), it is unlawful for any person—

(1) to transmit to a protected computer, which is not owned by such person and for which such person is not an authorized user, any information collection program, unless—

(A) such information collection program provides notice in accordance with subsection (c) before execution of any of the information collection functions of the program; and

(B) such information collection program includes the functions required under subsection (d); or

(2) to execute any information collection program installed on such a protected computer unless—

(A) before execution of any of the information collection functions of the program, the owner or an authorized user of the protected computer has consented to such execution pursuant to notice in accordance with subsection (c); and

(B) such information collection program includes the functions required under subsection (d).

(b) **INFORMATION COLLECTION PROGRAM.**—

(1) **IN GENERAL.**—For purposes of this section, the term “information collection program” means computer software that performs either of the following functions:

(A) **COLLECTION OF PERSONALLY IDENTIFIABLE INFORMATION.**—The computer software—

(i) collects personally identifiable information; and

(ii) (I) sends such information to a person other than the owner or authorized user of the computer, or

(II) uses such information to deliver advertising to, or display advertising on, the computer.

(B) **COLLECTION OF INFORMATION REGARDING WEB PAGES VISITED TO DELIVER ADVERTISING.**—The computer software—

(i) collects information regarding the Web pages accessed using the computer; and

(ii) uses such information to deliver advertising to, or display advertising on, the computer.

(2) **EXCEPTION FOR SOFTWARE COLLECTING INFORMATION REGARDING WEB PAGES VISITED WITHIN A PARTICULAR WEB SITE.**—Computer software that otherwise would be considered an information collection program by reason of paragraph (1)(B) shall not be considered such a program if—

(A) the only information collected by the software regarding Web pages that are accessed using the computer is information regarding Web pages within a particular Web site;

(B) such information collected is not sent to a person other than—

(i) the provider of the Web site accessed; or

(ii) a party authorized to facilitate the display or functionality of Web pages within the Web site accessed; and

(C) the only advertising delivered to or displayed on the computer using such information is advertising on Web pages within that particular Web site.

(c) **NOTICE AND CONSENT.**—

(1) **IN GENERAL.**—Notice in accordance with this subsection with respect to an information collection program is clear and conspicuous notice in plain language, set forth as the Commission shall provide, that meets all of the following requirements:

(A) The notice clearly distinguishes such notice from any other information visually presented contemporaneously on the computer.

(B) The notice contains one of the following statements, as applicable, or a substantially similar statement:

(i) With respect to an information collection program described in subsection (b)(1)(A): “This program will collect and transmit information about you. Do you accept?”

(ii) With respect to an information collection program described in subsection (b)(1)(B): “This program will collect information about Web pages you access and will use that information to display advertising on your computer. Do you accept?”

(iii) With respect to an information collection program that performs the actions de-

scribed in both subparagraphs (A) and (B) of subsection (b)(1): “This program will collect and transmit information about you and will collect information about Web pages you access and use that information to display advertising on your computer. Do you accept?”

(C) The notice provides for the user—

(i) to grant or deny consent referred to in subsection (a) by selecting an option to grant or deny such consent; and

(ii) to abandon or cancel the transmission or execution referred to in subsection (a) without granting or denying such consent.

(D) The notice provides an option for the user to select to display on the computer, before granting or denying consent using the option required under subparagraph (C), a clear description of—

(i) the types of information to be collected and sent (if any) by the information collection program;

(ii) the purpose for which such information is to be collected and sent; and

(iii) in the case of an information collection program that first executes any of the information collection functions of the program together with the first execution of other computer software, the identity of any such software that is an information collection program.

(E) The notice provides for concurrent display of the information required under subparagraphs (B) and (C) and the option required under subparagraph (D) until the user—

(i) grants or denies consent using the option required under subparagraph (C)(i);

(ii) abandons or cancels the transmission or execution pursuant to subparagraph (C)(ii); or

(iii) selects the option required under subparagraph (D).

(2) **SINGLE NOTICE.**—The Commission shall provide that, in the case in which multiple information collection programs are provided to the protected computer together, or as part of a suite of functionally related software, the notice requirements of paragraphs (1)(A) and (2)(A) of subsection (a) may be met by providing, before execution of any of the information collection functions of the programs, clear and conspicuous notice in plain language in accordance with paragraph (1) of this subsection by means of a single notice that applies to all such information collection programs, except that such notice shall provide the option under subparagraph (D) of paragraph (1) of this subsection with respect to each such information collection program.

(3) **CHANGE IN INFORMATION COLLECTION.**—If an owner or authorized user has granted consent to execution of an information collection program pursuant to a notice in accordance with this subsection:

(A) **IN GENERAL.**—No subsequent such notice is required, except as provided in subparagraph (B).

(B) **SUBSEQUENT NOTICE.**—The person who transmitted the program shall provide another notice in accordance with this subsection and obtain consent before such program may be used to collect or send information of a type or for a purpose that is materially different from, and outside the scope of, the type or purpose set forth in the initial or any previous notice.

(4) **REGULATIONS.**—The Commission shall issue regulations to carry out this subsection.

(d) **REQUIRED FUNCTIONS.**—The functions required under this subsection to be included in an information collection program that executes any information collection functions with respect to a protected computer are as follows:

(1) **DISABLING FUNCTION.**—With respect to any information collection program, a function of the program that allows a user of the program to remove the program or disable operation of the program with respect to such protected computer by a function that—

(A) is easily identifiable to a user of the computer; and

(B) can be performed without undue effort or knowledge by the user of the protected computer.

(2) **IDENTITY FUNCTION.**—

(A) **IN GENERAL.**—With respect only to an information collection program that uses information collected in the manner described in subparagraph (A)(ii)(II) or (B)(ii) of subsection (b)(1) and subject to subparagraph (B) of this paragraph, a function of the program that provides that each display of an advertisement directed or displayed using such information, when the owner or authorized user is accessing a Web page or online location other than of the provider of the computer software, is accompanied by the name of the information collection program, a logogram or trademark used for the exclusive purpose of identifying the program, or a statement or other information sufficient to clearly identify the program.

(B) **EXEMPTION FOR EMBEDDED ADVERTISEMENTS.**—The Commission shall, by regulation, exempt from the applicability of subparagraph (A) the embedded display of any advertisement on a Web page that contemporaneously displays other information.

(3) **RULEMAKING.**—The Commission may issue regulations to carry out this subsection.

(e) **LIMITATION ON LIABILITY.**—A telecommunications carrier, a provider of information service or interactive computer service, a cable operator, or a provider of transmission capability shall not be liable under this section to the extent that the carrier, operator, or provider—

(1) transmits, routes, hosts, stores, or provides connections for an information collection program through a system or network controlled or operated by or for the carrier, operator, or provider; or

(2) provides an information location tool, such as a directory, index, reference, pointer, or hypertext link, through which the owner or user of a protected computer locates an information collection program.

#### SEC. 4. ENFORCEMENT.

(a) **UNFAIR OR DECEPTIVE ACT OR PRACTICE.**—This Act shall be enforced by the Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.). A violation of any provision of this Act or of a regulation issued under this Act shall be treated as an unfair or deceptive act or practice violating a rule promulgated under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a).

(b) **PENALTY FOR PATTERN OR PRACTICE VIOLATIONS.**—

(1) **IN GENERAL.**—Notwithstanding subsection (a) and the Federal Trade Commission Act, in the case of a person who engages in a pattern or practice that violates section 2 or 3, the Commission may, in its discretion, seek a civil penalty for such pattern or practice of violations in an amount, as determined by the Commission, of not more than—

(A) \$3,000,000 for each violation of section 2; and

(B) \$1,000,000 for each violation of section 3.

(2) **TREATMENT OF SINGLE ACTION OR CONDUCT.**—In applying paragraph (1)—

(A) any single action or conduct that violates section 2 or 3 with respect to multiple protected computers shall be treated as a single violation; and

(B) any single action or conduct that violates more than one paragraph of section 2(a) shall be considered multiple violations, based on the number of such paragraphs violated.

(c) **REQUIRED SCIENTER.**—Civil penalties sought under this section for any action may not be granted by the Commission or any court unless the Commission or court, respectively, establishes that the action was committed with actual knowledge or knowledge fairly implied on the basis of objective circumstances that such act is unfair or deceptive or violates this Act.

(d) **FACTORS IN AMOUNT OF PENALTY.**—In determining the amount of any penalty pursuant to subsection (a) or (b), the court shall take into account the degree of culpability, any history of prior such conduct, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

(e) **EXCLUSIVENESS OF REMEDIES.**—The remedies in this section (including remedies available to the Commission under the Federal Trade Commission Act) are the exclusive remedies for violations of this Act.

(f) **EFFECTIVE DATE.**—To the extent only that this section applies to violations of section 2(a), this section shall take effect upon the expiration of the 6-month period that begins on the date of the enactment of this Act.

#### SEC. 5. LIMITATIONS.

(a) **LAW ENFORCEMENT AUTHORITY.**—Sections 2 and 3 shall not apply to—

(1) any act taken by a law enforcement agent in the performance of official duties; or

(2) the transmission or execution of an information collection program in compliance with a law enforcement, investigatory, national security, or regulatory agency or department of the United States or any State in response to a request or demand made under authority granted to that agency or department, including a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, a court order, or other lawful process.

(b) **EXCEPTION RELATING TO SECURITY.**—Nothing in this Act shall apply to—

(1) any monitoring of, or interaction with, a subscriber's Internet or other network connection or service, or a protected computer, by a telecommunications carrier, cable operator, computer hardware or software provider, or provider of information service or interactive computer service, to the extent that such monitoring or interaction is for network or computer security purposes, diagnostics, technical support, or repair, or for the detection or prevention of fraudulent activities; or

(2) a discrete interaction with a protected computer by a provider of computer software solely to determine whether the user of the computer is authorized to use such software, that occurs upon—

(A) initialization of the software; or

(B) an affirmative request by the owner or authorized user for an update of, addition to, or technical service for, the software.

(c) **GOOD SAMARITAN PROTECTION.**—No provider of computer software or of interactive computer service may be held liable under this Act on account of any action voluntarily taken, or service provided, in good faith to remove or disable a program used to violate section 2 or 3 that is installed on a computer of a customer of such provider, if such provider notifies the customer and obtains the consent of the customer before undertaking such action or providing such service.

(d) **LIMITATION ON LIABILITY.**—A manufacturer or retailer of computer equipment

shall not be liable under this Act to the extent that the manufacturer or retailer is providing third party branded computer software that is installed on the equipment the manufacturer or retailer is manufacturing or selling.

#### SEC. 6. EFFECT ON OTHER LAWS.

(a) **PREEMPTION OF STATE LAW.**—

(1) **PREEMPTION OF SPYWARE LAWS.**—This Act supersedes any provision of a statute, regulation, or rule of a State or political subdivision of a State that expressly regulates—

(A) unfair or deceptive conduct with respect to computers similar to that described in section 2(a);

(B) the transmission or execution of a computer program similar to that described in section 3; or

(C) the use of computer software that displays advertising content based on the Web pages accessed using a computer.

(2) **ADDITIONAL PREEMPTION.**—

(A) **IN GENERAL.**—No person other than the Attorney General of a State may bring a civil action under the law of any State if such action is premised in whole or in part upon the defendant violating any provision of this Act.

(B) **PROTECTION OF CONSUMER PROTECTION LAWS.**—This paragraph shall not be construed to limit the enforcement of any State consumer protection law by an Attorney General of a State.

(3) **PROTECTION OF CERTAIN STATE LAWS.**—This Act shall not be construed to preempt the applicability of—

(A) State trespass, contract, or tort law; or

(B) other State laws to the extent that those laws relate to acts of fraud.

(b) **PRESERVATION OF FTC AUTHORITY.**—Nothing in this Act may be construed in any way to limit or affect the Commission's authority under any other provision of law, including the authority to issue advisory opinions (under part 1 of volume 16 of the Code of Federal Regulations), policy statements, or guidance regarding this Act.

#### SEC. 7. ANNUAL FTC REPORT.

For the 12-month period that begins upon the effective date under section 12(a) and for each 12-month period thereafter, the Commission shall submit a report to the Congress that—

(1) specifies the number and types of actions taken during such period to enforce section 2(a) and section 3, the disposition of each such action, any penalties levied in connection with such actions, and any penalties collected in connection with such actions; and

(2) describes the administrative structure and personnel and other resources committed by the Commission for enforcement of this Act during such period.

Each report under this subsection for a 12-month period shall be submitted not later than 90 days after the expiration of such period.

#### SEC. 8. FTC REPORT ON COOKIES.

(a) **IN GENERAL.**—Not later than the expiration of the 6-month period that begins on the date of the enactment of this Act, the Commission shall submit a report to the Congress regarding the use of cookies, including tracking cookies, in the delivery or display of advertising to the owners and users of computers. The report shall examine and describe the methods by which cookies and the Web sites that place them on computers function separately and together, and shall compare the use of cookies with the use of information collection programs (as such term is defined in section 3) to determine the extent to which such uses are similar or different. The report may include such recommendations as the Commission considers

necessary and appropriate, including treatment of cookies under this Act or other laws.

(b) **DEFINITION.**—For purposes of this section, the term “tracking cookie” means a cookie or similar text or data file used alone or in conjunction with one or more Web sites to transmit or convey, to a party other than the intended recipient, personally identifiable information of a computer owner or user, information regarding Web pages accessed by the owner or user, or information regarding advertisements previously delivered to a computer, for the purpose of—

(1) delivering or displaying advertising to the owner or user; or

(2) assisting the intended recipient to deliver or display advertising to the owner, user, or others.

(c) **EFFECTIVE DATE.**—This section shall take effect on the date of the enactment of this Act.

#### **SEC. 9. FTC REPORT ON INFORMATION COLLECTION PROGRAMS INSTALLED BEFORE EFFECTIVE DATE.**

Not later than the expiration of the 6-month period that begins on the date of the enactment of this Act, the Commission shall submit a report to the Congress on the extent to which there are installed on protected computers information collection programs that, but for installation prior to the effective date under section 12(a), would be subject to the requirements of section 3. The report shall include recommendations regarding the means of affording computer users affected by such information collection programs the protections of section 3, including recommendations regarding requiring a one-time notice and consent by the owner or authorized user of a computer to the continued collection of information by such a program so installed on the computer.

#### **SEC. 10. REGULATIONS.**

(a) **IN GENERAL.**—The Commission shall issue the regulations required by this Act not later than the expiration of the 6-month period beginning on the date of the enactment of this Act. In exercising its authority to issue any regulation under this Act, the Commission shall determine that the regulation is consistent with the public interest and the purposes of this Act. Any regulations issued pursuant to this Act shall be issued in accordance with section 553 of title 5, United States Code.

(b) **EFFECTIVE DATE.**—This section shall take effect on the date of the enactment of this Act.

#### **SEC. 11. DEFINITIONS.**

For purposes of this Act:

(1) **CABLE OPERATOR.**—The term “cable operator” has the meaning given such term in section 602 of the Communications Act of 1934 (47 U.S.C. 522).

(2) **COLLECT.**—The term “collect”, when used with respect to information and for purposes only of section 3(b)(1)(A), does not include obtaining of the information by a party who is intended by the owner or authorized user of a protected computer to receive the information or by a third party authorized by such intended recipient to receive the information, pursuant to the owner or authorized user—

(A) transferring the information to such intended recipient using the protected computer; or

(B) storing the information on the protected computer in a manner so that it is accessible by such intended recipient.

(3) **COMPUTER; PROTECTED COMPUTER.**—The terms “computer” and “protected computer” have the meanings given such terms in section 1030(e) of title 18, United States Code.

(4) **COMPUTER SOFTWARE.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term “computer soft-

ware” means a set of statements or instructions that can be installed and executed on a computer for the purpose of bringing about a certain result.

(B) **EXCEPTION.**—Such term does not include computer software that is placed on the computer system of a user by an Internet service provider, interactive computer service, or Internet Web site solely to enable the user subsequently to use such provider or service or to access such Web site.

(C) **RULE OF CONSTRUCTION REGARDING COOKIES.**—This paragraph may not be construed to include, as computer software—

(i) a cookie; or

(ii) any other type of text or data file that solely may be read or transferred by a computer.

(5) **COMMISSION.**—The term “Commission” means the Federal Trade Commission.

(6) **DAMAGE.**—The term “damage” has the meaning given such term in section 1030(e) of title 18, United States Code.

(7) **DECEPTIVE ACTS OR PRACTICES.**—The term “deceptive acts or practices” has the meaning applicable to such term for purposes of section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(8) **DISABLE.**—The term “disable” means, with respect to an information collection program, to permanently prevent such program from executing any of the functions described in section 3(b)(1) that such program is otherwise capable of executing (including by removing, deleting, or disabling the program), unless the owner or operator of a protected computer takes a subsequent affirmative action to enable the execution of such functions.

(9) **INFORMATION COLLECTION FUNCTIONS.**—The term “information collection functions” means, with respect to an information collection program, the functions of the program described in subsection (b)(1) of section 3.

(10) **INFORMATION SERVICE.**—The term “information service” has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(11) **INTERACTIVE COMPUTER SERVICE.**—The term “interactive computer service” has the meaning given such term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

(12) **INTERNET.**—The term “Internet” means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

(13) **PERSONALLY IDENTIFIABLE INFORMATION.**—

(A) **IN GENERAL.**—The term “personally identifiable information” means the following information, to the extent only that such information allows a living individual to be identified from that information:

(i) First and last name of an individual.

(ii) A home or other physical address of an individual, including street name, name of a city or town, and zip code.

(iii) An electronic mail address.

(iv) A telephone number.

(v) A social security number, tax identification number, passport number, driver’s license number, or any other government-issued identification number.

(vi) A credit card number.

(vii) Any access code, password, or account number, other than an access code or password transmitted by an owner or authorized user of a protected computer to the intended recipient to register for, or log onto, a Web page or other Internet service or a network

connection or service of a subscriber that is protected by an access code or password.

(viii) Date of birth, birth certificate number, or place of birth of an individual, except in the case of a date of birth transmitted or collected for the purpose of compliance with the law.

(B) **RULEMAKING.**—The Commission may, by regulation, add to the types of information described in subparagraph (A) that shall be considered personally identifiable information for purposes of this Act, except that such additional types of information shall be considered personally identifiable information only to the extent that such information allows living individuals, particular computers, particular users of computers, or particular email addresses or other locations of computers to be identified from that information.

(14) **SUITE OF FUNCTIONALLY RELATED SOFTWARE.**—The term suite of “functionally related software” means a group of computer software programs distributed to an end user by a single provider, which programs are necessary to enable features or functionalities of an integrated service offered by the provider.

(15) **TELECOMMUNICATIONS CARRIER.**—The term “telecommunications carrier” has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(16) **TRANSMIT.**—The term “transmit” means, with respect to an information collection program, transmission by any means.

(17) **WEB PAGE.**—The term “Web page” means a location, with respect to the World Wide Web, that has a single Uniform Resource Locator or another single location with respect to the Internet, as the Federal Trade Commission may prescribe.

(18) **WEB SITE.**—The term “web site” means a collection of Web pages that are presented and made available by means of the World Wide Web as a single Web site (or a single Web page so presented and made available), which Web pages have any of the following characteristics:

(A) A common domain name.

(B) Common ownership, management, or registration.

#### **SEC. 12. APPLICABILITY AND SUNSET.**

(a) **EFFECTIVE DATE.**—Except as specifically provided otherwise in this Act, this Act shall take effect upon the expiration of the 12-month period that begins on the date of the enactment of this Act.

(b) **APPLICABILITY.**—Section 3 shall not apply to an information collection program installed on a protected computer before the effective date under subsection (a) of this section.

(c) **SUNSET.**—This Act shall not apply after December 31, 2011.

The **SPEAKER pro tempore**. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and insert extraneous material in the RECORD.

The **SPEAKER pro tempore**. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House will consider legislation to prohibit Internet spying. Spyware is a growing danger to Internet users and one that demands our immediate attention. Recent statistics indicate that spyware is on the rise, with the highest areas of growth in Trojans, keystroke loggers and system monitors, the worst-of-the-worst spyware technologies.

The Committee on Energy and Commerce has worked expeditiously this Congress to move antispyware legislation through the committee for consideration by the House. This legislation is largely the same as H.R. 2929 from the 108th Congress, a bill that passed the House by a vote of 399-1. It is my hope that H.R. 29 will receive a similar endorsement today on this floor.

The changes that have been made to the SPY ACT since the last Congress are of two general types. The Committee on Energy and Commerce worked hard to refine the legislation to take into account legitimate and benign business functions, as well as standard functionalities of the Internet while preserving meaningful consumer notice and consent. The committee has also continued to strengthen the anti-fraud provisions of the bill by giving the Federal Trade Commission better enforcement tools against the ever-increasing types of fraudulent behavior associated with Internet spying.

The legislation that we are considering today, number one, prohibits unfair and deceptive practices like home page hijacking, keystroke logging, and Web-based phishing; two, provides for a prominent opt-in for consumers prior to the collection of personally identifiable information by monitoring spyware. This is a very, very important provision of the bill. Three, provides for a prominent opt-in for consumers prior to the collection of information regarding Web pages accessed and the subsequent delivery of advertisements based on that information; four, requires that monitoring software be easily disabled at the direction of the consumer; five, requires companies that are sending ads to computers to identify with each ad the information collection program that is generating the ad. With this disclosure, consumers will know who is bombarding them with ads and will be able to make decisions about those pieces of software accordingly. Number six, provides for FTC enforcement with significant monetary penalties for those who knowingly violate the act; and, seven, sets up a uniform national rule. Internet commerce is inherently interstate in nature. We need one set of rules for such commerce, not 50.

We have just today also passed a bill that makes explicit some criminal penalties for purveyors of the worst kinds of spyware. I think it is appropriate that in certain instances, such as deceptive phishing leading to identity theft, the perpetrators need to go to jail. I want to thank the Committee on the Judiciary for their work in that

area. However, I believe we need to do more to protect consumers. I believe we need to recognize the right of each consumer to be informed of spying taking place on his or her computer and be able to say no to that spying. This bill does that. The bill that we just passed from the Committee on the Judiciary does not do that.

I believe that we need to require of ad companies the responsibility to inform consumers and to get their consent before they start installing devices on consumers' computers that keep track of everything that they do, and their children do, on the Internet. This bill does that. The bill from the Committee on the Judiciary does not do that.

And I believe that companies have an obligation to disable spying programs if the consumers no longer want them. A consumer should have more options than just throwing away his computer if it is infected with spyware. This bill does that. The bill that came out of the Committee on the Judiciary does not do that.

It is this empowerment of consumers and the recognition that each consumer has the right to control what goes on his or her own computer that makes this bill, H.R. 29, a very important tool to protect consumers against spyware. That consumer protection will be my goal when we go to conference with the Senate.

I want to commend a number of Members for their outstanding leadership on this issue. The gentlewoman from California (Mrs. BONO) who will speak later in the debated introduced the original bill in the last Congress and has been a tireless educator on the dangers of spyware. The gentleman from New York (Mr. TOWNS) cosponsored the original legislation with the gentlewoman from California (Mrs. BONO), and he has been great in his bipartisan support of this particular project. The gentleman from Florida (Mr. STEARNS), the chairman of the Subcommittee on Trade and Consumer Protection, has been a leader on all the privacy-related issues in the committee and has worked with the gentlewoman from California (Mrs. BONO) and the gentleman from New York (Mr. TOWNS) on this legislation.

The gentleman from Michigan (Mr. DINGELL), the ranking member of the full committee, and the gentlewoman from Illinois (Ms. SCHAKOWSKY), who is leading the floor debate on the Democratic side, have worked tirelessly in both the subcommittee and the full committee to perfect this bipartisan legislation.

This is a good bill. It is a bipartisan bill. It passed the Committee on Energy and Commerce unanimously. I would urge that it pass the floor later this afternoon with that same level of support.

Mr. Speaker, I reserve the balance of my time.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself such time as I may consume.

I rise today as a cosponsor and in support of a strong consumer and privacy protection bill, H.R. 29, the Securely Protect Yourself Against Cyber Trespass Act, or the SPY ACT. I want to thank the gentleman from Texas (Mr. BARTON), the gentleman from Michigan (Mr. DINGELL), the gentleman from Florida (Mr. STEARNS), the gentleman from New York (Mr. TOWNS), and the gentlewoman from California (Mrs. BONO) for their work on the SPY ACT.

I would like first to commend the manner in which this bill was handled. The process was thorough, open to input and willing to address each other's concerns; and, most importantly, the work was organized around the goal of creating a strong and effective consumer protection bill. I believe we have accomplished our goal.

Spyware is software that has tracking capabilities so pervasive that it can record every keystroke computer users enter. It can take pictures of personal computer screens. It can snatch personal information from consumers' hard drives. People can see their bank account numbers, passwords, and other personal information stolen because they quite innocently went to a bad Web site or clicked a misleading agreement. Spyware is a serious threat to consumer privacy and potentially a powerful tool for identity theft, a serious crime that is on the rise. Spyware is a nonpartisan issue. As we learned last year while not yet a household word, spyware is a household phenomenon.

□ 1445

America Online recently released a study which found that 80 percent of families with broadband access had spyware on their computers. Earthlink found that in 3 million scans of computers, there was an average of 26 instances of spyware on each and every computer. With those kinds of numbers, spyware will soon be a part of everyone's vocabulary.

Technological advances have brought "the world into our homes," and the purveyors of spyware have interpreted that as an open door to come in whenever they want, whether invited or not. Still, because the software does have shady purposes, it usually comes in through the back door of consumers' computers. Because consumers do not know that spyware is on their computers, people are still surprised to hear about it. They experience the noticeable effects of the software, impossibly slow computers, hijacked home pages, unstoppable pop-ups, but they do not know where their problems are coming from or what is going on behind the scenes.

For instance, someone's computer may be sluggish because she may unwittingly have downloaded a program that records every key stroke entered and passes it on to a third party who wants to steal bank account numbers and passwords. The explosion of pop-up

ads may be because a program has been tracking a consumer's every move on the Web. Serious privacy and security issues are at stake here. Spyware could be a major contributor to the fact that identity theft is the fastest-growing financial crime today.

The time has come for a bill like the Spy Act. The gentleman from Texas (Chairman BARTON) very clearly outlined the specific provisions of the bill, but it bears briefly repeating. The Spy Act ensures that consumers are protected from the truly bad acts and actors while also protecting proconsumer functions of the software. It prohibits indefensible uses of the software like keystroke logging or the copying of every keystroke entered. Additionally, it gives the consumer the choice to opt in to the installation or activation of information collection programs on their computers, but only when they know exactly what information will be collected and what will be done with it. Furthermore, the Spy Act gives the Federal Trade Commission the power it needs on top of laws already in place to pursue deceptive uses of the software. The Spy Act puts the control of computers and privacy back in consumers' hands, and I am very glad I was a part of the process that brought this bill to the floor today.

So, again, I thank my colleagues for their work on this proconsumer, proprivacy, and bipartisan legislation, and I urge all Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. STEARNS), subcommittee chairman.

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I thank the gentleman from Texas (Mr. BARTON), my distinguished chairman of the full committee, for yielding me this time.

This is a very important bill. We have passed this bill once before, so it is clear the House is going to pass this. The question is, we have got to appeal to the Senate to pass this thing and move forward.

During the hearings we had on this bill, there were lots of witnesses that talked about this spyware Internet-based technology that can be used to defraud Americans today. So this bill is very important. We need to move it, and we need to move the Senate to move it. That is what we need to do.

This bill describes a broad array of activity, including keystroke logging, which tracks all of a computer user's keystrokes, they are recorded and then sent to a third party; homepage hijacking, in which spyware can take control of a computer and hijack the user's homepage to a commercial site or even to a pornographic site; and phishing, in which spyware directs a computer user with false messages purporting to be from some reputable merchant to basi-

cally steal the credit card, steal the credit card numbers and other financial information from a user.

In all of these cases, Mr. Speaker, spyware is downloaded without the knowledge and without the consent of the user. It is just not another cyber nuisance. It is a major Internet plague that threatens the privacy of the American consumer, and of course the very integrity of the Internet marketplace, on which we are relying more and more. I continue to meet people who have had their Web pages hijacked, their browsers corrupted, in some cases, their children exposed to inappropriate material from these dangerous programs hidden in their family computers.

Mr. Speaker, the Spy Act will bring control back to the consumer and give the on-line computer experience a positive message. It will preserve confidence in the Internet and its related technologies that make the lives of the consumer better and more convenient, more productive, and, of course, more secure. The Spy Act strikes a right balance between preserving legitimate and benign uses of this technology, while still, at the same time, protecting unwitting consumers from the harm caused when it is misused and, of course, designed for nefarious purposes.

The Spy Act prohibits keystroke logging, hijacking, and phishing. I mentioned that. It also provides a well-crafted opt-in for consumers before personal information is collected or prior to collection of Web history information. We in the Committee on Energy and Commerce think that is extremely important to have an opt-in for consumers. The legislation specifies that monitoring software should be easily disabled and requires companies that deliver ads to simply identify themselves. Further and more importantly, it gives the Federal Trade Commission the power to severely sanction violators with significant monetary penalties. In short, Mr. Speaker, this legislation creates a uniform Federal regulatory regime that will provide clear and consistent regulation in this area.

At the bottom, the elimination of spyware and the preservation of privacy for the consumer are critical goals if the Internet is to remain safe and reliable and credible.

As I mentioned earlier, the House passed the bill H.R. 2929 by a vote of 399 to 1. This year this legislation was passed unanimously out of the Committee on Energy and Commerce, 43 to zero. I expect the same strong showing this afternoon.

So, in conclusion, Mr. Speaker, H.R. 29, the Spy Act, has been a great exercise, as mentioned by the gentlewoman from Illinois (Ms. SCHAKOWSKY), ranking member, of our bipartisan leadership. Leadership that has been focused on achieving equitable results, that is good for the consumer, good for business, and good for America.

With that in mind, I would like to thank my colleagues on the Committee

on Energy and Commerce, particularly the gentleman from Texas (Chairman BARTON) and the gentlewoman from California (Mrs. BONO), whose leadership provided this bill, for their consistent and, of course, their long-standing leadership in this area. I would also like to acknowledge the superb bipartisanship of my staff working with the staff of the gentlewoman from Illinois (Ms. SCHAKOWSKY).

And, of course, I would also like to thank the gentleman from Michigan (Mr. DINGELL), the ranking member of the full committee, and the gentleman from New York (Mr. TOWNS) for his support.

So, all in all, Mr. Speaker, we have a great bill. We need to move the Senate forward. Our bill will make America greater, and I urge support for the Spy Act of 2005.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself such time as I may consume.

I can only heartily agree with all that has been said. Let me just add a few words.

Spyware has changed the computing experience for so many people. Increasingly, consumers are finding that their home Web pages are changed or that their computers are sluggish; and they get, as I said, the pop-up ads that will not go away no matter how many times they try to close them. They find software in their computer they did not install and they cannot uninstall; and their computers are no longer their own, and they cannot figure out why. And consumers tend to blame viruses on their old computer or their Internet service providers, but because spyware is bundled with software people do want to download or because it is drive-by downloaded from unknowingly visiting the wrong Web site, people do not know that in many cases the real cause of their headaches is spyware.

And some of the above examples can be written off as merely annoying. Spyware is so much more than merely annoying, as we have pointed out, and there are these serious privacy and security issues at stake.

These problems of slow computers and pop-up ads are just symptoms of the real trouble spyware can cause. Again, the software is so resourceful that it can snatch personal information from computer hard drives and track every Web site visited and log every keystroke entered.

Spyware is a serious threat to consumer privacy and potentially a powerful tool for identity theft, a serious crime on the rise. As the FTC, the Federal Trade Commission, reports, in 2003 there were nearly 10 million Americans victimized by identity theft. Over the past 5 years, there have been 27 million victims, and my State of Illinois is in the top 10 for identity theft occurrences. On-line predators, like spyware transmitters, provide an easy access to personally identifiable information that can be used to steal people's identities and put them at greater risk of



being financially and otherwise victimized.

So this is now the time, once again, for the House to pass this important bipartisan legislation. And I too want to thank all of the leaders who have been involved in bringing this bill once again to the floor. I want to particularly thank the gentleman from Michigan (Mr. DINGELL), whose statement, though he could not be here today, will be in the RECORD, and the gentleman from New York (Mr. TOWNS), who has worked on this legislation from the very beginning with the gentlewoman from California (Mrs. BONO). And I want to thank the staff on our side, Diane Beedle and Consuela Washington, and the Republican staff for their hours of work.

I want to join the gentleman from Florida (Chairman STEARNS) in urging our Senate colleagues to move on this very important legislation. It is time that we not only pass it in the House, but that we make it the law of the land, and I look forward to seeing that happen in the near future. I thank my colleagues for the opportunity to work with all of them.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Palm Springs, California (Mrs. BONO), the author of the original bill, who knows more about these types of issues than anybody on the committee.

Mrs. BONO. Mr. Speaker, I want to thank the gentleman from Texas for yielding me this time.

The gentleman from Texas (Chairman BARTON) has been a steadfast leader and advocate for spyware legislation. He has worked tirelessly on this important issue. I appreciate his efforts in bringing H.R. 29 to the floor. I also extend my appreciation to the gentleman from Michigan (Mr. DINGELL), ranking member; the gentleman from Florida (Chairman STEARNS); the gentlewoman from Illinois (Ms. SCHAKOWSKY), ranking member; and the gentleman from New York (Mr. TOWNS), the original Democratic cosponsor. Each of them, as well as their staff, David Cavicce, Shannon Jacquot, Consuela Washington, Chris Leahy, Diane Beedle, Andy Delia, Dave Grimaldi; as well as my staffers, Jennifer Baird and Chris Lynch, have all worked diligently over the past 2 years to improve and refine this legislation.

I would also like to thank the industry participants and consumer groups who have contributed hundreds of comments on this legislation. I am confident that we have drafted a bill that incorporates several improvements that will empower consumers without impeding the growth of technology or on-line business models.

In the wake of recent data security breaches by ChoicePoint, DSW, Lexis-Nexis, and other companies, consumers are finally realizing the importance of

data security and their vulnerability to identity theft. While consumers are waking up to these risks, many continue to remain unaware of the consequences of having spyware programs on their computers. Spyware is software that is downloaded on one's computer that collects personally identifiable information such as Social Security numbers, credit card numbers, addresses, and phone numbers. This software passes personal information on to third parties without consent, or it is used to drive advertising to their computer. In short, it compromises personal data and can physically harm their computer.

Just how prolific is this problem? Here are a few of the staggering statistics: In a recent study by Webroot, the company identified at least one form of an unwanted program in 87 percent of the personal computers it scanned. Results from a consumer spy audit in 2005 found that 88 percent of personal computers scanned were infected with an average of 25 different spyware programs in each computer. In March, 2005, alone, a research system identified over 4,000 Web sites within nearly 90,000 total associated Web pages containing some form of spyware. Trojan horse infections grew by 30 percent since last year.

□ 1500

Mr. Speaker, this is not just a problem; it is an outright epidemic. As this Nation continues to push towards a global e-commerce marketplace, spyware stands to undermine the security and integrity of e-commerce and data security. Daily Web activities by consumers have become stalking grounds for computer hackers through spyware.

Consumers regularly and unknowingly download software programs that have the ability to track their every move. While some argue that consumers consented to these spyware downloads, the National Cyber Security Alliance and AOL found that 89 percent of users had no idea they had spyware on their computers. Moreover, there are Web sites and e-mail messages that deliberately trick computer users into downloading spyware.

In response to the rapid proliferation of spyware, the gentleman from New York (Mr. TOWNS) and I introduced H.R. 29. This bill prohibits such behavior by specifically outlawing Web hijacking, keystroke logging, drive-by downloads, phishing, evil-twin attacks and, several other perverse behaviors.

The concept of H.R. 29 is simple: tell consumers in plain English what personally identifiable information is going to be collected and how that information is going to be used. Consumers have a right to know and have a right to decide who has access to such highly personal information. Therefore, it is imperative that Congress pass this legislation and empower consumers while not impeding the growth of technology.

Earlier we heard my colleagues from the Committee on the Judiciary bring up their bill and talk about targeting behavior and not technology. I would ask them, what is Kazaa? Is Kazaa behavior or technology? What is Bonzi Buddy? Bonzi Buddy downloads a beautiful little purple gorilla which will dance about your screen which you cannot possibly eradicate from your computer. What is the Weather Bug? Again, the Committee on the Judiciary would say this is simply technology. I disagree. I say it is a terrible, terrible business practice, and it needs to be recognized by Congress. We need to stamp this out.

Mr. Speaker, I urge my colleagues to support H.R. 29.

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I would like to read into the RECORD the companies and the organizations that support H.R. 29. This is with letters on the RECORD where they have written to me and the gentleman from Michigan (Mr. DINGELL) that they support the legislation: the Business Software Alliance; the Center For Democracy and Technology; the Council For Marketing and Opinion Research; Dell Corporation; DoubleClick, Incorporated, and ValueClick, Incorporated; eBay, Incorporated; Fidelity; Humana, Incorporated; Microsoft; 180 Solutions; the Recording Industry of America; Time Warner/AOL; United States Telecom Association; Webroot Software, Incorporated; WhenU; and Yahoo. These companies all officially on the record support H.R. 29.

Mr. Speaker, I think as the debate has shown, there is broad bipartisan support for this. There is also a need for this. I have spoken with Senator BURNS of the other body. He is preparing to move a companion bill. We have also obviously talked to the gentleman from Wisconsin (Chairman SENBRENNER) and the subcommittee chairman, the gentleman from Virginia (Mr. GOODLATTE), on their bill; and we are prepared to work with them to merge the bills at the appropriate time.

This is an issue whose time has come. Almost every American household now has a personal computer, and almost every one of those computers has spyware on them; and in most cases the owner of that computer does not know it. It is time to put a stop to that foolishness. It is time to say enough is enough. It is time to pass H.R. 29, work with the other body to pass a companion bill, go to conference, create a compromise bill, and then send the bill to the President's desk.

So I would encourage a "yes" vote, Mr. Speaker, and before I yield back, compliment you on your work on this. I think we should say the gentleman from California (Mr. RADANOVICH) also has been tireless in his support for the bill.

Mr. DINGELL. Mr. Speaker, identity theft is fast reaching epidemic proportions. Today we

will address one aspect of the problem—spyware.

Spyware programs sneak into your computer, and allow a third party to harvest your personal information. It is the equivalent of putting a wiretap on your phone and listening to your conversations. Adware tracks your Web surfing or online shopping so that marketers can send you unwanted ads. Spyware can hijack your computer to pornographic or gambling sites, or steal your passwords and credit card information.

The rapid proliferation of spyware and adware threatens legitimate Internet commerce. The most common consumer complaints are: hijacked home pages, redirected Web searches, a flood of pop-up ads, and sluggish and crashed computers.

This bill is carefully balanced. It prohibits a number of unfair and deceptive acts or practices related to spyware, and provides for strong Federal Trade Commission (FTC) enforcement and enhanced civil fines. It also recognizes that there are legitimate, applications of spyware and, thus, exempts law enforcement, national security, network security and maintenance, and fraud detection from the SPY Act. It contains narrowly prescribed exceptions for benign internal navigation tracking on Web sites, and the ordinary construction of Web pages that do not collect personal information. It preserves legitimate online commerce.

Most importantly, this legislation requires companies that distribute spyware and adware to obtain permission from consumers through an easily understood licensing agreement before installing spyware or adware on their computers. The programs, once downloaded, would have to provide a means to identify the spyware or adware and easily uninstall or disable it.

Without aggressive enforcement, the goals of this bill will not be met. We are asking the FTC to do a great deal in a very complex area and I trust that the appropriators will provide them with sufficient resources to fulfill these tasks. If not, this bill will be an empty promise, unless the state attorneys general step in forcefully.

This legislation is supported by a coalition that includes: the Business Software Alliance, the Center for Democracy and Technology, the Council for Marketing and Opinion Research, Dell, eBay Inc., Fidelity, Humana, Inc., Microsoft, 180 Solutions, Recording Industry Association of America, Time Warner/AOL, United States Telecom Association, Webroot Software, Inc., WhenU, and Yahoo!—all of whom have submitted letters of support. The coalition also includes DoubleClick, Inc., and ValueClick, Inc.—two of the leading companies in the rapidly growing online advertising industry.

The bill has improved at every stage of its consideration, and I want to commend the leadership and hard work of Chairman BARTON, Representatives STEARNS and SCHAKOWSKY, the Chairman and Ranking Member, respectively of the Subcommittee on Commerce, Trade, and Consumer Protection, and Representatives BONO and TOWNS, the lead Republican and Democratic sponsors of the bill. I also commend the bipartisan staff team who worked very hard to get this bill to the House floor.

I am proud to cosponsor this bill. I urge my colleagues to vote “yes” on passage of H.R.

29. It is a good bill. It is good for consumers. And it is good for honest commerce on the Internet.

Mr. BARTON of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RADANOVICH). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 29, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BARTON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HEROES EARNED RETIREMENT OPPORTUNITIES ACT

Mr. SAM JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1499) to amend the Internal Revenue Code of 1986 to allow a deduction to members of the Armed Forces serving in a combat zone for contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1499

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the “Heroes Earned Retirement Opportunities Act”.

##### SEC. 2. COMBAT ZONE COMPENSATION TAKEN INTO ACCOUNT FOR PURPOSES OF DETERMINING LIMITATION AND DEDUCTIBILITY OF CONTRIBUTIONS TO INDIVIDUAL RETIREMENT PLANS.

(a) IN GENERAL.—Subsection (f) of section 219 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

“(7) SPECIAL RULE FOR COMPENSATION EARNED BY MEMBERS OF THE ARMED FORCES FOR SERVICE IN A COMBAT ZONE.—For purposes of subsections (b)(1)(B) and (c), the amount of compensation includible in an individual's gross income shall be determined without regard to section 112.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SAM JOHNSON).

##### GENERAL LEAVE

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend

their remarks and include extraneous material on H.R. 1499.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of backing our troops, of backing them to the hilt, with the Heroes Earned Retirement Opportunities Act, or the HERO Act, H.R. 1499, introduced by the gentlewoman from North Carolina (Ms. FOX).

As you know, people may contribute to \$4,000 a year to the popular individual retirement account, IRA. However, the funds that go into an IRA are supposed to be post-tax money. Well, when you are serving your country in Camp Victory in Iraq or working in Afghanistan, your combat pay is tax-free. That is right, it is tax-free; and it ought to be. The theory behind that is if you are going to volunteer to risk your life, serve your country and protect our great freedom, you should not be taxed.

As a result, some military men and women come home serving in harm's way with money that they would like to put into an individual retirement account, but they cannot. It is against the law. That is wrong. The HERO Act changes that outdated and unintended tax law so that our soldiers, sailors, Marines and airmen can save some of that money for their retirement for their families' golden years.

Crazy as it may seem, right now these men and women come home with much more disposable income, yet they are not allowed to save some of it in an IRA; but they can spend it on cars, new clothes, family vacations. Yes, all of those things are nice, especially when you have been in the desert for 9 months and you just want the creature comforts and luxuries of home for you and your family. But those things are temporary. Retirement savings is about making a better future for yourself and your loved ones, and our troops should have the option of saving for retirement if they want to.

I say it is high time we change that, and that is what the HERO Act is all about. It is about tax simplification, it is about retirement savings, it is about helping our military who are out there fighting for us.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I stand today in support of H.R. 1499. This bill is supported by my Democratic colleagues. We acknowledge fully the work of our military personnel who continue to perform for our Nation. We honor their bravery and their sacrifice. Therefore, it goes without saying that we endorse this effort by this Congress to make it possible for these men and women to take advantage of every tax benefit

that is available to them, including saving for their retirement.

H.R. 1499, as my colleague and friend, the gentleman from Texas (Mr. SAM JOHNSON), has said, would allow our servicemen and -women to treat their compensation, received while serving in combat, as taxable income in order to help them meet the income eligibility retirement for making contributions to an individual retirement account.

At a recent hearing of our committee, two of our five witnesses highlighted the large shortfall in retirement savings many of our workers in this country face. I am sure that many members of the military fall within this group. This bill is a small step in the right direction of closing that gap.

Other larger steps need to be taken. For example, Democratic Members of this Congress are hopeful that we can work with our Republican colleagues to preserve another tax benefit that may be of even greater help to many military families. A provision in current law would permit military families to treat combat pay as taxable compensation for purposes of claiming the Earned Income Tax Credit. This provision is set to expire at the end of this year.

The EITC is a refundable credit many low- and middle-income taxpayers can claim when they file their Federal tax returns. Eligible families may claim a portion of their credit ratably during the year. The EITC helps to relieve the Federal tax burden on many families who are working full-time yet find themselves at or below the poverty level.

We had hoped that this provision could be included as part of the bill before us today to further help military families. However, we were assured that this provision will be taken up later in the year, and we will continue to press for the extension of this provision before it expires.

Also let me finish by expressing my hope and the hope of so many on my side of the aisle that this Congress and the administration will meet their responsibilities to our veterans on health, on re-employment, and so many other major needs of those in the military and the veterans of the United States of America.

Mr. Speaker, I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Ms. FOXX), the author of the bill.

Ms. FOXX. Mr. Speaker, I want to thank the gentlemen from Texas and Michigan for their eloquent words on behalf of this bill. I am truly honored to be here today, Mr. Speaker. I am honored because the mere consideration of this bill represents the greatness of our republican democracy.

At this time a year ago, I only dreamed of coming to the floor of this House and working for the people of

the Fifth Congressional District in North Carolina. Here I am today promoting a bill I wrote to help those very constituents who deserve it most.

Just a few months ago, the father of Army Specialist Michael Hensley from my district in Clemmons, North Carolina, contacted me with a problem that his son and many of our other brave soldiers are facing. My constituent, Specialist Hensley, wanted to do the responsible thing by making the maximum allowable contribution to his individual retirement account, but found out that because of the nature of his wages, he would not be able to contribute to his nest egg this year. Thanks to the Republican leadership of this House and the bipartisan support from the minority, we stand here this afternoon to solve this problem.

Mr. Speaker, our current Tax Code wrongfully prohibits many of our brave men and women serving in combat zones from taking advantage of individual retirement accounts, or IRAs.

Most soldiers serving in these combat zones are paid in wages designated as military hazard pay. As deployment times have grown longer and longer, many soldiers now serve entire calendar years overseas, making their yearly compensation consist of hazard pay exclusively. These wages are not taxed; nor should they be. However, since this compensation is nontaxable, the wages are not eligible for IRA contributions. This is entirely unfair.

As we all know, IRAs are an excellent tool for responsible retirement savings, and responsible retirement savings should be encouraged for everyone, but especially for those who take up arms in war zones and fight for our freedom. The men and women defending America in harm's way overseas should not be excluded from fully participating in the important retirement investment opportunity that IRAs provide because of a glitch in our Tax Code. H.R. 1499, the Heroes Earned Retirement Opportunities, or HERO Act, will correct this serious injustice. The HERO Act simply designates combat hazard pay earned by a member of the Armed Forces as eligible for contribution to retirement accounts.

□ 1515

The legislation, which is endorsed by the Reserve Officers Association and the Military Officers Association of America, would not actually tax these wages, it would merely allow them to be invested in the same retirement accounts available to all Americans.

To quote the Military Officers Association of America in their letter of support for the bill, "This change makes perfect sense in view of all we are asking our service members to do in the War on Terror in Iraq, Afghanistan, and elsewhere."

I could not have said it better myself. Mr. Speaker, our heroes defending America overseas certainly deserve the same access to retirement savings that we receive. In fact, we should be en-

couraging and even facilitating retirement savings whenever possible. Americans need to take responsibility for and control of their retirement. Those responsible enough to save their hard-earned wages should be rewarded, not burdened with taxes and regulations.

I would like to thank our Republican Majority Leader, the gentleman from Texas (Mr. DELAY), as well as the gentleman from California (Chairman THOMAS) for recognizing the importance of this bill and for expeditiously bringing it to the floor of this House.

I would also like to thank the gentleman from California (Chairman HUNTER) for his service to our Nation in Vietnam, for his excellent leadership of the House Committee on Armed Services, and for cosponsoring and supporting this great bill. His commitment to our troops is to be applauded.

A special thanks to the gentleman from Texas (Mr. JOHNSON) for his 29 years of service to our Nation, and for his cosponsorship of this bill and his assistance in the Committee on Ways and Means to bring the bill to the floor. He recognized immediately that this is a common-sense solution.

Lastly, I would like to thank my staff members, especially Bob Donald and Deana Funderburk for their support and effort to get a good idea transformed to good legislation. I urge all of my colleagues to help right this fundamental wrong by voting for this straightforward, common-sense legislation.

Mr. LEVIN. Mr. Speaker, I thank the gentleman from Texas (Mr. SAM JOHNSON) for his leadership on this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Hero Act is going to help our combat troops by modifying a tax law that has unintended consequences, given their situation. Most of us know that IRA contributions are limited to \$4,000 this year, and the cap on annual contributions will increase to \$5,000 in 2008.

All of this is temporary legislation, but we would like to have it permanent, as well, I say to the gentleman from Michigan (Mr. LEVIN).

According to the Joint Committee on Taxation, this bill would provide \$31 million of tax benefits to military families over the next decade. H.R. 1499 provides meaningful assistance to our troops that we can all support as the House considers ways to improve the retirement security for Americans.

I work on retirement legislation in my membership on both the House Committee on Ways and Means and the House Committee on Education and the Workforce, and I look forward to meaningful legislation moving forward from both committees in the near future.

However, this legislation needs to move on its own as soon as possible. Our troops are earning combat pay in

dangerous situations, and to the extent that they can save some of it for their long-term needs, I think we ought to encourage them to do so.

We will pass this bill with no controversy, and I hope our colleagues in the other body follow suit in the near future. It is the right thing to do.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GINGREY). The question is on the motion offered by the gentleman from Texas (Mr. SAM JOHNSON) that the House suspend the rules and pass the bill, H.R. 1499, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income, and for other purposes."

A motion to reconsider was laid on the table.

#### ANGEL ISLAND IMMIGRATION STATION RESTORATION AND PRESERVATION ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 606) to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California.

The Clerk read as follows:

H.R. 606

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Angel Island Immigration Station Restoration and Preservation Act".

#### SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Angel Island Immigration Station, also known as the Ellis Island of the West, is a National Historic Landmark.

(2) Between 1910 and 1940, the Angel Island Immigration Station processed more than 1,000,000 immigrants and emigrants from around the world.

(3) The Angel Island Immigration Station contributes greatly to our understanding of our Nation's rich and complex immigration history.

(4) The Angel Island Immigration Station was built to enforce the Chinese Exclusion Act of 1882 and subsequent immigration laws, which unfairly and severely restricted Asian immigration.

(5) During their detention at the Angel Island Immigration Station, Chinese detainees carved poems into the walls of the detention barracks. More than 140 poems remain today, representing the unique voices of immigrants awaiting entry to this country.

(6) More than 50,000 people, including 30,000 schoolchildren, visit the Angel Island Immigration Station annually to learn more about the experience of immigrants who have traveled to our shores.

(7) The restoration of the Angel Island Immigration Station and the preservation of the writings and drawings at the Angel Island Immigration Station will ensure that future generations also have the benefit of experiencing and appreciating this great symbol of the perseverance of the immigrant spirit, and of the diversity of this great Nation.

#### SEC. 3. RESTORATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior \$15,000,000 for restoring the Angel Island Immigration Station in the San Francisco Bay, in coordination with the Angel Island Immigration Station Foundation and the California Department of Parks and Recreation.

(b) FEDERAL FUNDING.—Federal funding under this Act shall not exceed 50 percent of the total funds from all sources spent to restore the Angel Island Immigration Station.

(c) PRIORITY.—(1) Except as provided in paragraph (2), the funds appropriated pursuant to this Act shall be used for the restoration of the Immigration Station Hospital on Angel Island.

(2) Any remaining funds in excess of the amount required to carry out paragraph (1) shall be used solely for the restoration of the Angel Island Immigration Station.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 606, introduced by the gentlewoman from California (Ms. WOOLSEY), would authorize an appropriation up to \$15 million to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in San Francisco Bay.

The funds would be used in coordination with the Angel Island Immigration Station Foundation and the California Department of Parks and Recreation. The bill would also require funds appropriated by the Act to be used first for restoration of the Immigration Station Hospital on the island. Finally, the bill limits the Federal funding to 50 percent of the total funds from all the sources spent to restore the immigration station.

I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, the majority has already explained the purpose of H.R. 606, which was introduced by my colleague, the gentlewoman from California (Ms. WOOLSEY).

Angel Island is a nationally significant resource, as evidenced by its previous designation as a national historic landmark. Angel Island tells an important historical story about immigration into the western United States;

how entry was offered to some, but denied to others under the discriminatory practices of that day.

The gentlewoman from California (Ms. WOOLSEY) is to be commended for her leadership on H.R. 606. She has a bipartisan coalition of support for her initiative, including California Governor Arnold Schwarzenegger. Many individuals and organizations have come to recognize the importance of a Federal-State-private partnership in the preservation and interpretation of this important aspect of our Nation's history.

Mr. Speaker, we support H.R. 606 as a means to help preserve the rich history of the Angel Island Immigration Station and urge its adoption by the House today.

Mr. Speaker, I yield such time as she might consume to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise to speak on H.R. 606, out of order. I was working patiently at my desk. I flew in on the red eye so that I could talk about Angel Island and how wonderful it is. And I want to thank the ranking members of this committee for making this possible for me, and allowing the consideration of a piece of legislation that is very important to my district, the San Francisco Bay area, and to Asian Americans throughout the United States.

As you know, I have worked for the past 3 years with the Angel Island Immigration Station Foundation and the gentlewoman from California (Leader PELOSI) and the gentleman from Indiana (Mr. SOUDER) in an effort to preserve the historic Angel Island Immigration Station. It is located just east of Sausalito in the San Francisco Bay. Sausalito is in my district, California's 6th Congressional District.

This landmark is a particular high priority because of what it means to Asian Americans nationwide. Many of you are familiar, all of us are familiar with the symbolism of Ellis Island to European Americans. The same feelings of legacy and pride can be equated to the Americans of Asian heritage on the west coast. In fact, Angel Island was the first American soil most Asian immigrants stepped on.

With over one million people having been processed through the sites, millions of Asians and Asian descendants nationwide are eager to see their roots in this country honored in the same way that we honor Ellis Island.

In addition, Angel Island Immigration Station also houses a unique literary display of Asian American culture. The walls of the main building hold layers of poetry reflecting the record of hardship endured and the indignity suffered by the early Chinese as they were being processed into America. If these walls crumble, we will lose this one-of-a-kind documentation forever. And thank you for voting not to let that happen.

Because of its rich history, the site is currently used as a teaching tool for

students and a museum for visitors. Hundreds of school children and researchers have made the trip by ferry out to the site each year to learn about its rich history.

Mr. Speaker, I have worked with the foundation to find additional sources of funding for the restoration project to ensure future generations can learn from the site. The current estimate to complete the preservation is over \$30 million, \$16 million already raised through Federal grants, State funding, and private donations; \$15 million still remains to finish the project.

With no more grants available and the State of California contributing close to half of the funding, it is important that the Federal Government become a part of this preservation effort, and that is what we are doing today. And I thank you for making that happen in the House.

Mr. Speaker, first I want to thank Chairman POMBO, Ranking Member RAHALL and the House Leadership for allowing us to consider this piece of legislation that is important to my district and the San Francisco Bay Area.

As you may know, I have worked for the past 3 years with the Angel Island Immigration Station Foundation and Leader PELOSI and Congressman MARK SOUDER in an effort to preserve the historic Angel Island Immigration Station, located just east of Sausalito in the San Francisco Bay.

This landmark is a particularly high priority because of what it means to Asian Americans nationwide. Many of you are familiar with the symbolism of Ellis Island to European Americans. The same feelings of legacy and pride can be equated to the Americans of Asian heritage on the west coast. In fact, Angel Island was the first American soil most Asian immigrants stepped on.

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With no grants available, and the State of California contributing close to half of the funding, it is important that the Federal Government become a part of this preservation effort. That is what we are doing today.

Mrs. CHRISTENSEN. Mr. Speaker, I reserve the balance of my time.

Ms. PELOSI. Mr. Speaker, I rise in strong support of H.R. 606, the Angel Island Immigration Station Restoration and Preservation Act.

For 30 years, between 1910 to 1940, Angel Island served as the first point of entry into our country for immigrants from around the world hopeful for the promise of America. While the history of Ellis Island, which served as a processing center for immigrants coming in from across the Atlantic, is well known, the story of Angel Island is one that is often lost between the pages of our nation's history.

While it was open, 1 million immigrants were processed on Angel Island, including immigrants from Japan, Korea, the Philippines, and Central and South America. It would be the first, and sometimes only, American soil that many of these people, who hoped to call this country their home, would walk upon.

Among these stories are the unforgettable voices of more than 170,000 Chinese immigrants, who sacrificed everything to come to what they referred to as the "Gold Mountain," a land of unparalleled freedom and opportunity. While many found new life, others encountered discrimination, disappointment, and sometimes, despair.

The Chinese Exclusion Act of 1882 prevented many Chinese from entering the United States. Those allowed to enter were held in detention on Angel Island. Segregated and separated into barracks, the detainees faced stark living conditions, humiliating medical examinations, and grueling interrogations, while their detentions dragged on from days to months, and even years. All this while they awaited a decision on whether they would be permitted to enter the United States or sent back to China. While the detainees would eventually leave the Island and the Immigration Station would later close, they would leave behind their powerful testaments, inscribed as poetry, on the walls that confined them.

Today, more than 100 of these poems are still visible, etched on the barrack walls. Together, they capture the fears, sadness, and longing felt by the immigrants. Despite the extreme hardships faced on Angel Island, many of these poems also reflect the timeless legacy of the hope that is shared by all who are drawn to and believe in our country.

In 1940, Angel Island Immigration Station was closed after a fire destroyed the administration building. The U.S. Army used the Island during World War II, departing when the war was over. Angel Island became incorporated as a part of the California State Park system in 1963.

Abandoned and neglected, the structures fell into various states of disrepair and were scheduled for demolition in 1970, when a park ranger rediscovered the poetry carved on the walls. Although the buildings were spared from being torn down, more resources are needed to restore this unique and significant landmark.

This legislation would authorize \$15 million, to be matched by state and private funding, to restore the buildings at Angel Island Immigration Station, and ensure its preservation for future generations.

Understanding our past is key to our nation's success and strength, today and in the future. Preserving Angel Island ensures that the collective voices of past immigrants live on in the proud immigrant heritage we all share.

I urge my colleagues to support this significant piece of legislation.

Mr. SOUDER. Mr. Speaker, I rise in support of H.R. 606, the Angel Island Immigration Station Restoration and Preservation Act.

Historic preservation is the key to remembering our past. Without key places and artifacts from our history, it would be impossible to tell future generations of Americans how, when and where our country came to be what it is. Whenever a place or object is lost, a piece of history is gone forever. It is our duty to ensure that history is preserved.

The Angel Island Immigration Station Restoration and Preservation Act aims to preserve part of our history. Known as the Ellis Island of the West, Angel Island was the primary entry point for hundreds of thousands of immigrants from the Pacific Rim, including Australia and New Zealand, Canada, Mexico, Central and South America, Russia, and in particular, Asia. During Angel Island's years of operation (1910–1940), an estimated 175,000 Chinese immigrants were processed through Angel Island.

In 1940, Angel Island Immigration Station closed after a fire destroyed the Administration Building. Following the Army's departure from Angel Island, the structures fell into disrepair. Many were removed by the Army Corps of Engineers and California State Parks. Of the original Immigration Station structures, only the Detention Barracks, Hospital, Power House, Pump House and Mule Barn remain. Today, these structures are in various states of disrepair; hence the need for this legislation.

Without H.R. 606, the structures on Angel Island will fall further into decay. Many of the buildings are crumbling and leak; consequently, many poems written by the Chinese immigrants detained at Angel Island are in danger of being destroyed. State, private, and local entities have already contributed mightily to this project; sadly, they have not been able to complete the project. This bill will authorize \$15 million in funding so that this unique aspect of our history can be preserved for future generations. Compared to the \$156 million spent to restore Ellis Island, this restoration project is a bargain and of no less significance.

Millions of people journey to Ellis Island every year in order to see where their ancestors came ashore. This bill would allow descendants of Angel Island arrivals the same opportunity to visit the place where their ancestors' American Dreams started.

Although the status of Angel Island as part of the California State Parks system sets it apart from many other historic sites that receive federal funding, the importance of the site and its contribution to the United States makes its official designation irrelevant. Our nation's history must be preserved regardless of official status.

I urge my colleagues to support the passage of H.R. 606, the Angel Island Immigration Station Restoration and Preservation Act. Keeping our immigration heritage in good repair is essential if the United States is to maintain its unique status as a beacon of democracy and opportunity.

Mr. HONDA. Mr. Speaker, I rise today in support of H.R. 4469, the Angel Island Immigration Station Restoration and Preservation Act.

I would like to recognize my colleague Representative LYNN WOOSLEY from California for

her steadfast leadership in ensuring Angel Island Immigration Station is preserved and restored.

As Chair of the Congressional Asian Pacific American Caucus (CAPAC), I support the federal authorization of \$15 million for the preservation and restoration of Angel Island, where people from China, Japan, Russia, India, Korea, Australia, and the Philippines entered the United States to start a new life.

Angel Island Immigration Station is appropriately known as the "Ellis Island of the West." Located in the San Francisco Bay, Angel Island served as a processing and detainment center for one million immigrants between 1910 and 1940. Of those one million people, 175,000 were Chinese immigrants and 150,000 were Japanese immigrants.

For the 30 years that Angel Island was in existence, detainees experienced overcrowded facilities, humiliating medical examinations, intense interrogations, and countless days—even years—waiting until approval of their applications or deportation. Although conditions could be deplorable, Angel Island was an entry point to a better future for many immigrants.

In 1940, Angel Island Immigration Station's administration building was destroyed. In 1963, California State Parks assumed the role of stewardship of the site when Angel Island became a state park.

In the 1970's, the site was set for demolition until a park ranger discovered etched writings on the walls. Etched by detainees, the writings and drawings on the wall reflect the hardships and hopes of detainees during the uncertain period in which they awaited decisions on their immigration applications. The cultural and historical value of these etchings sparked efforts to save this site. In 1997 Angel Island Immigration Station became a National Historic Landmark.

More than 50,000 people continue to visit Angel Island Immigration Station yearly, but sadly, the history of Angel Island is often left out of classroom lectures. However, with greater federal support, we can restore the island's historic buildings, preserve irreplaceable immigration records, and keep alive the stories and memories of those who were detained on the Island.

While preserving the Angel Island Immigration Station is important to Asian Pacific Americans, it should be a priority for all Americans. Just as Ellis Island is a critical part of our nation's history, Angel Island offers American's a richer and more comprehensive understanding of our history and the diversity we celebrate in this nation.

Mr. Speaker, I wholeheartedly support H.R. 4469 and its authorization of \$15 million to restore and preserve historic buildings at Angel Island Immigration Station. I urge my colleagues to join me in supporting this important piece of legislation.

Mr. RADANOVICH. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 606.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### PROVIDING FOR THE CONVEYANCE OF CERTAIN PUBLIC LAND IN CLARK COUNTY, NEVADA, FOR USE AS A HELIPORT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 849) to provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport.

The Clerk read as follows:

H.R. 849

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CONVEYANCE OF PROPERTY TO CLARK COUNTY, NEVADA.

(a) FINDINGS.—Congress finds that—

(1) the Las Vegas Valley in the State of Nevada is the fastest growing community in the United States;

(2) helicopter tour operations are conflicting with the needs of long-established residential communities in the Valley; and

(3) the designation of a public heliport in the Valley that would reduce conflicts between helicopter tour operators and residential communities is in the public interest.

(b) PURPOSE.—The purpose of this Act is to provide a suitable location for the establishment of a commercial service heliport facility to serve the Las Vegas Valley in the State of Nevada while minimizing and mitigating the impact of air tours on the Sloan Canyon National Conservation Area and North McCullough Mountains Wilderness.

(c) DEFINITIONS.—In this Act:

(1) CONSERVATION AREA.—The term "Conservation Area" means the Sloan Canyon National Conservation Area established by section 604(a) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2010).

(2) COUNTY.—The term "County" means Clark County, Nevada.

(3) HELICOPTER TOUR.—

(A) IN GENERAL.—The term "helicopter tour" means a commercial helicopter tour operated for profit.

(B) EXCLUSION.—The term "helicopter tour" does not include a helicopter tour that is carried out to assist a Federal, State, or local agency.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) WILDERNESS.—The term "Wilderness" means the North McCullough Mountains Wilderness established by section 202(a)(13) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2000).

(d) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the County, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (e).

(e) DESCRIPTION OF LAND.—The parcel of land to be conveyed under subsection (d) is the parcel of approximately 229 acres of land depicted as tract A on the map entitled "Clark County Public Heliport Facility" and dated May 3, 2004.

(f) USE OF LAND.—

(1) IN GENERAL.—The parcel of land conveyed under subsection (d)—

(A) shall be used by the County for the operation of a heliport facility under the conditions stated in paragraphs (2) and (3); and

(B) shall not be disposed of by the County.

(2) IMPOSITION OF FEES.—

(A) IN GENERAL.—Any operator of a helicopter tour originating from or concluding at the parcel of land described in subsection (e) shall pay to the Clark County Department of Aviation a \$3 conservation fee for each passenger on the helicopter tour if any portion of the helicopter tour occurs over the Conservation Area.

(B) DISPOSITION OF FUNDS.—Any amounts collected under subparagraph (A) shall be deposited in a special account in the Treasury of the United States, which shall be available to the Secretary, without further appropriation, for the management of cultural, wildlife, and wilderness resources on public land in the State of Nevada.

(3) FLIGHT PATH.—Except for safety reasons, any helicopter tour originating or concluding at the parcel of land described in subsection (e) that flies over the Conservation Area shall not fly—

(A) over any area in the Conservation Area except the area that is between 3 and 5 miles north of the latitude of the southernmost boundary of the Conservation Area;

(B) lower than 1,000 feet over the eastern segments of the boundary of the Conservation Area; or

(C) lower than 500 feet over the western segments of the boundary of the Conservation Area.

(4) REVERSION.—If the County ceases to use any of the land described in subsection (d) for the purpose described in paragraph (1)(A) and under the conditions stated in paragraphs (2) and (3)—

(A) title to the parcel shall revert to the United States, at the option of the United States; and

(B) the County shall be responsible for any reclamation necessary to revert the parcel to the United States.

(g) ADMINISTRATIVE COSTS.—The Secretary shall require, as a condition of the conveyance under subsection (d), that the County pay the administrative costs of the conveyance, including survey costs and any other costs associated with the transfer of title.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 849, introduced by my committee colleague, the gentleman from Nevada (Mr. GIBBONS), would provide for the conveyance of certain public land in Clark County, Nevada, currently being managed by the Bureau of Land Management, to the county for use as a heliport.

The Las Vegas Valley is among the fastest growing communities in the United States. This community thrives



on tourism with one of the most popular tourist excursions being the helicopter tour of the Grand Canyon. At present, helicopter tour flight paths impact long-standing residential neighborhoods. This bill would alleviate this growing conflict while providing a suitable location for the establishment of a commercial service heliport facility to serve the Las Vegas Valley.

Mr. Speaker, one of the primary goals of this conveyance is to minimize the impact of air tours on the Sloan Canyon National Conservation Area and the North McCullough Mountains Wilderness that lie just north of the major residential areas. In addition, any operator of a helicopter tour originating from or concluding at the new heliport would pay the Clark County Department of Aviation a \$3 conservation fee for each passenger on the tour if any of the helicopter tours occurs over the Conservation Area. The fee collected will be placed in a special account in the Treasury of the United States. Those funds will then be made available to the Secretary for management of cultural, wildlife, and wilderness resource on public lands in the State of Nevada.

This bill is also the result of public hearings and local decision-making on this issue, and although not a perfect solution, it seeks a fair compromise to resolve the issue.

Mr. Speaker, I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is important legislation for Nevada that will hopefully alleviate some public safety concerns regarding helicopter overflights. As a result, we do not oppose H.R. 849.

In addition to her other colleagues in Nevada, the Nevada delegation, the gentlewoman from Nevada (Ms. BERKLEY) is to be commended for her tireless efforts on behalf of this legislation. She continues to be a forceful advocate for managing the explosive growth of her communities effectively and responsibly.

Of course, the distinguished Senate Minority Leader has been a powerful advocate for this legislation, and I know the delegation and the people of Nevada appreciate his leadership.

Mr. Speaker, I reserve the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. PORTER).

(Mr. PORTER asked and was given permission to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, I rise today to speak on H.R. 849 on behalf of my colleague, the gentleman from Nevada (Mr. GIBBONS), before I make my own remarks on this important piece of legislation.

First, I would like to read a prepared statement by the gentleman from Nevada (Mr. GIBBONS).

Again, on behalf of the gentleman from Nevada (Mr. GIBBONS): "I would like to express my strong support for H.R. 849 to convey certain public land in Clark County, Nevada, for use as a heliport.

"Nevada is 84 percent owned and managed by the Federal Government. This large share of Federal lands makes management of Nevada's cities and counties difficult at best. Extensive Federal ownership of Nevada, coupled with the rapid growth we are currently experiencing, brings even greater need for planning and management of all types of transportation in Nevada.

"Currently, over 90 helicopter flights per day, over 32,850 flights per year, fly over the homes of 90,000 Las Vegas residents. As you can imagine, this high volume of air traffic poses challenges and problems for the residents of southern Nevada. To help alleviate this problem, Clark County has searched extensively for a separate site that will not only accommodate helicopter operators, but meet the needs of the surrounding communities.

"The heliport site agreed to in this legislation is the result of a great deal of study and planning. Several sites were identified as potentially suitable. However, the site outlined in my legislation is the most ideal location. The site outlined in this legislation is further out of the city and will not affect any of the current residential areas.

"Again, thank you, Mr. Speaker, for your consideration."

Again, these comments were based upon written remarks from my colleague, the gentleman from Nevada (Mr. GIBBONS).

□ 1530

I would also like to express my strong support for H.R. 849. As an original cosponsor of this bill, I understand the problems that the current helicopter overflight path causes to many of my constituents. With almost 33,000 flights occurring per year over approximately 90,000 people, a viable alternative to the current flight path that not only meets the needs of Southern Nevadans but also the operators of the helicopters themselves is no longer wanted but needed.

In order to solve the conflict, Clark County and other major stakeholders collaborated to find this alternative. After many studies, the site outlined in H.R. 849 was determined to be the most suitable. The area chosen within the legislation moves the flight path away from the residential areas, yet still allows helicopter operators to continue their air tours over Hoover Dam, the Grand Canyon, the Las Vegas Strip, and other beautiful areas of the American Southwest.

Mr. Speaker, I would also like to voice my strong support for H.R. 849.

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over approximately 90,000 people, a viable alternative to the current flight path that not only meets the needs of Southern Nevadans, but also the operators of the helicopters themselves, is no longer wanted, but needed.

In order to solve the conflict, Clark County and other major stakeholders collaborated to find this alternative. After many studies, the site outlined in H.R. 849 was determined to be the most suitable. The area chosen within the legislation moves the flight path away from residential areas yet still allows helicopter operators to continue their air tours over Hoover Dam, the Grand Canyon, the Las Vegas Strip, and other beautiful areas of the American Southwest.

Mr. GIBBONS. Mr. Speaker, I would like to express my strong support for H.R. 849, to convey certain public land in Clark County, Nevada for use as a heliport. Nevada is 84 percent owned and managed by the federal government. This large share of federal land makes management of Nevada's cities and counties difficult at best. Extensive federal ownership of Nevada coupled with the rapid growth we are currently experiencing brings even greater need for planning and management of all types of transportation.

Currently over 90 helicopter flights per day, or 32,850 flights per year, fly over the homes of more than 90,000 Las Vegas residents. As you can imagine, this high volume of air traffic poses challenges and problems for the residents of Southern Nevada. To help alleviate this problem, Clark County has searched extensively for a separate site that will not only accommodate helicopter operators, but meet the needs of the surrounding communities. The heliport site agreed to in this legislation is a result of a great deal of study and planning. Several sites were identified as potentially suitable, however the site outlined in my legislation is the most ideal location. The site outlined in the legislation is further out of the city and will not affect any current residential areas. Again, thank you Mr. Speaker for your consideration of this legislation that is so important to Southern Nevada. Additionally, I would like to thank my colleague Mr. PORTER for his assistance, as well as the entire Nevada delegation for their support of this bill. I urge all of my colleagues to recognize the need for an alternative helicopter site and join me in supporting this legislation.

Mr. RADANOVICH. Mr. Speaker, does the gentlewoman from the Virgin Islands have any more speakers?

Mrs. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GINGREY). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 849.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

# REVOKING PUBLIC LAND ORDER WITH RESPECT TO CERTAIN LANDS IN CIBOLA NATIONAL WILDLIFE REFUGE, CALIFORNIA

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1101) to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

The Clerk read as follows:

H.R. 1101

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. REVOCATION OF PUBLIC LAND ORDER WITH RESPECT TO LANDS ERRONEOUSLY INCLUDED IN CIBOLA NATIONAL WILDLIFE REFUGE, CALIFORNIA.

Public Land Order 3442, dated August 21, 1964, is revoked insofar as it applies to the following described lands: San Bernardino Meridian, T11S, R22E, sec. 6, all of lots 1, 16, and 17, and SE¼ of SW¼ in Imperial County, California, aggregating approximately 140.32 acres.

## SEC. 2. RESURVEY AND NOTICE OF MODIFIED BOUNDARIES.

The Secretary of the Interior shall, by not later than 6 months after the date of the enactment of this Act—

(1) resurvey the boundaries of the Cibola National Wildlife Refuge, as modified by the revocation under section 1;

(2) publish notice of, and post conspicuous signs marking, the boundaries of the refuge determined in such resurvey; and

(3) prepare and publish a map showing the boundaries of the refuge.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1101.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume; and I am pleased to strongly support H.R. 1101, introduced by my good friend, the gentleman from California (Mr. HUNTER). The gentleman from California has done an excellent job of representing his constituents who, through no fault of their own, find themselves operating a concession within the National Wildlife Refuge System.

This concession, known as Walter's Camp, has existed since 1962. It has consistently provided recreational opportunities to thousands of Americans. It is one of the few places along the lower Colorado River that offers such a variety of healthy outdoor activities.

About 5 years ago, the concessionaire was advised by the Fish and Wildlife

Service that Walter's Camp had been inadvertently added to the Cibola National Wildlife Refuge and that corrective legislation was necessary.

This is the purpose of this measure, to correct this mistake; and there is no opposition to returning the title of this property to the Bureau of Land Management. In fact, identical legislation passed the House unanimously on two separate occasions in the 108th Congress.

I urge an "aye" vote on H.R. 1101.

Mr. Speaker, I reserve the balance of my time.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this legislation is to correct an error in the 1964 public land withdrawal that created the Cibola National Wildlife Refuge in California.

H.R. 1101 is identical to legislation passed by the House during the 107th and 108th Congresses, and we have no objection to this noncontroversial bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 1101.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 606.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## GENERAL SERVICES ADMINISTRATION MODERNIZATION ACT

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2066) to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes.

The Clerk read as follows:

H.R. 2066

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "General Services Administration Modernization Act".

## SEC. 2. FEDERAL ACQUISITION SERVICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Section 303 of title 40, United States Code, is amended to read as follows:

### "§ 303. Federal Acquisition Service

"(a) ESTABLISHMENT.—There is established in the General Services Administration a Federal Acquisition Service. The Administrator of General Services shall appoint a non-career employee as Commissioner of the Federal Acquisition Service, who shall be the head of the Federal Acquisition Service.

"(b) FUNCTIONS.—Subject to the direction and control of the Administrator of General Services, the Commissioner of the Federal Acquisition Service shall be responsible for administering the Acquisition Services Fund under section 321 of this title and carrying out functions related to the uses for which such Fund is authorized under such section, including any functions that were carried out by the entities known as the Federal Supply Service and the Federal Technology Service and such other related functions as the Administrator considers appropriate.

"(c) REGIONAL EXECUTIVES.—The Administrator may appoint up to five Regional Executives in the Federal Acquisition Service, to carry out such functions within the Federal Acquisition Service as the Administrator considers appropriate."

(2) CLERICAL AMENDMENT.—The item relating to section 303 at the beginning of chapter 3 of such title is amended to read as follows:

"303. Federal Acquisition Service."

(b) EXECUTIVE SCHEDULE COMPENSATION.—Section 5316 of title 5, United States Code, is amended by striking the item relating to the Commissioner of the Federal Supply Service of the General Services Administration and inserting the following:

"Commissioner of the Federal Acquisition Service, General Services Administration."

(c) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, reorganization plan, or delegation of authority, or in any document—

(1) to the Federal Supply Service is deemed to refer to the Federal Acquisition Service;

(2) to the GSA Federal Technology Service is deemed to refer to the Federal Acquisition Service;

(3) to the Commissioner of the Federal Supply Service is deemed to refer to the Commissioner of the Federal Acquisition Service; and

(4) to the Commissioner of the GSA Federal Technology Service is deemed to refer to the Commissioner of the Federal Acquisition Service.

## SEC. 3. ACQUISITION SERVICES FUND.

(a) ABOLISHMENT OF GENERAL SUPPLY FUND AND INFORMATION TECHNOLOGY FUND.—The General Supply Fund and the Information Technology Fund in the Treasury are hereby abolished.

(b) TRANSFERS.—Capital assets and balances remaining in the General Supply Fund and the Information Technology Fund as in existence immediately before this section takes effect shall be transferred to the Acquisition Services Fund and shall be merged with and be available for the purposes of the Acquisition Services Fund under section 321 of title 40, United States Code (as amended by this Act).

(c) ASSUMPTION OF OBLIGATIONS.—Any liabilities, commitments, and obligations of the General Supply Fund and the Information Technology Fund as in existence immediately before this section takes effect shall

be assumed by the Acquisition Services Fund.

(d) **EXISTENCE AND COMPOSITION OF ACQUISITION SERVICES FUND.**—Subsections (a) and (b) of section 321 of title 40, United States Code, are amended to read as follows:

“(a) **EXISTENCE.**—The Acquisition Services Fund is a special fund in the Treasury.

“(b) **COMPOSITION.**—

“(1) **IN GENERAL.**—The Fund is composed of amounts authorized to be transferred to the Fund or otherwise made available to the Fund.

“(2) **OTHER CREDITS.**—The Fund shall be credited with all reimbursements, advances, and refunds or recoveries relating to personal property or services procured through the Fund, including—

“(A) the net proceeds of disposal of surplus personal property;

“(B) receipts from carriers and others for loss of, or damage to, personal property; and

“(C) receipts from agencies charged fees pursuant to rates established by the Administrator.

“(3) **COST AND CAPITAL REQUIREMENTS.**—The Administrator shall determine the cost and capital requirements of the Fund for each fiscal year and shall develop a plan concerning such requirements in consultation with the Chief Financial Officer of the General Services Administration. Any change to the cost and capital requirements of the Fund for a fiscal year shall be approved by the Administrator. The Administrator shall establish rates to be charged agencies provided, or to be provided, supply of personal property and non-personal services through the Fund, in accordance with the plan.

“(4) **DEPOSIT OF FEES.**—Fees collected by the Administrator under section 313 of this title may be deposited in the Fund to be used for the purposes of the Fund.”

(e) **USES OF FUND.**—Section 321(c) of such title is amended in paragraph (1)(A)—

(1) by striking “and” at the end of clause (i);

(2) by inserting “and” after the semicolon at the end of clause (ii); and

(3) by inserting after clause (ii) the following new clause:

“(iii) personal services related to the provision of information technology (as defined in section 11101(6) of this title);”

(f) **PAYMENT FOR PROPERTY AND SERVICES.**—Section 321(d)(2)(A) of such title is amended—

(1) by striking “and” at the end of clause (iv);

(2) by redesignating clause (v) as clause (vi); and

(3) by inserting after clause (iv) the following new clause:

“(v) the cost of personal services employed directly in providing information technology (as defined in section 11101(6) of this title); and”

(g) **TRANSFER OF UNCOMMITTED BALANCES.**—Subsection (f) of section 321 of such title is amended to read as follows:

“(f) **TRANSFER OF UNCOMMITTED BALANCES.**—Following the close of each fiscal year, after making provision for a sufficient level of inventory of personal property to meet the needs of Federal agencies, the replacement cost of motor vehicles, and other anticipated operating needs reflected in the cost and capital plan developed under subsection (b), the uncommitted balance of any funds remaining in the Fund shall be transferred to the general fund of the Treasury as miscellaneous receipts.”

(h) **CONFORMING AND CLERICAL AMENDMENTS.**—

(1) Section 322 of such title is repealed.

(2) The heading for section 321 of such title is amended to read as follows:

#### “§ 321. Acquisition Services Fund”.

(3) The table of sections for chapter 3 of such title is amended by striking the items relating to sections 321 and 322 and inserting the following:

“321. Acquisition Services Fund.”

(4) Section 573 of such title is amended by striking “General Supply Fund” both places it appears and inserting “Acquisition Services Fund”.

(5) Section 604(b) of such title is amended—  
(A) in the heading, by striking “GENERAL SUPPLY FUND” and inserting “ACQUISITION SERVICES FUND”; and

(B) in the text, by striking “General Supply Fund” and inserting “Acquisition Services Fund”.

(6) Section 605 of such title is amended—

(A) in subsection (a)—

(i) in the heading, by striking “GENERAL SUPPLY FUND” and inserting “ACQUISITION SERVICES FUND”; and

(ii) in the text, by striking “General Supply Fund” and inserting “Acquisition Services Fund”; and

(B) in subsection (b)(2)—

(i) by striking “321(f)(1)” and inserting “321(f)”;

(ii) by striking “General Supply Fund” and inserting “Acquisition Services Fund”.

#### SEC. 4. PROVISIONS RELATING TO ACQUISITION PERSONNEL.

Section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433) is amended by adding at the end the following new subsections:

“(i) **PROVISIONS RELATING TO REEMPLOYMENT.**—If an individual receiving an annuity from the Civil Service Retirement and Disability Fund on the basis of such individual’s service becomes reemployed in an acquisition-related position (as described in subsection (g)(1)(A)), such annuity shall not be discontinued thereby. An individual so reemployed shall not be considered an employee for the purposes of chapter 83 or 84 of title 5, United States Code.

“(j) **RETENTION BONUSES.**—

“(1) The head of each executive agency, after consultation with the Administrator, shall establish policies and procedures under which the agency head may pay retention bonuses to employees holding acquisition-related positions (as described in subsection (g)(1)(A)) within such agency, except that the authority to pay a bonus under this subsection shall be available only if—

“(A) the unusually high or unique qualifications of an employee or a special need of the agency for the services of an employee makes the retention of such employee essential; and

“(B) the agency determines that, in the absence of such a bonus, it is likely that the employee would leave—

“(i) the Federal service; or

“(ii) for a different position in the Federal service under conditions described in regulations of the Office.

“(2)(A) Payment of a bonus under this subsection shall be contingent upon the employee entering into a written agreement with the agency to complete a period of service with the agency in return for the bonus.

“(B)(i) The agreement shall include—

“(I) the length of the period of service required;

“(II) the bonus amount;

“(III) the manner in which the bonus will be paid (as described in paragraph (3)(B)); and

“(IV) any other terms and conditions of the bonus, including the terms and conditions governing the termination of an agreement.

“(3) A bonus under this subsection—

“(A) may not exceed 50 percent of the basic pay of the employee;

“(B) may be paid to an employee—

“(i) in installments after completion of specified periods of service;

“(ii) in a single lump sum at the end of the period of service required by the agreement; or

“(iii) in any other manner mutually agreed to by the agency and the employee;

“(C) is not part of the basic pay of the employee; and

“(D) may not be paid to an employee who holds a position—

“(i) appointment to which is by the President, by and with the advice and consent of the Senate;

“(ii) in the Senior Executive Service as a noncareer appointee (as such term is defined under section 3132(a) of title 5, United States Code); or

“(iii) which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.”

#### SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 60 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

□ 1545

#### GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2066.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I rise in support of H.R. 2066, the General Services Administration Modernization Act. This legislation would provide a reorganization of the General Services Administration, the Federal agency that is charged with procuring the facilities, products, services, and technology that Federal agencies and their employees need every day. H.R. 2066 will ensure that the GSA maximizes its use of taxpayer funds.

This legislation has been under consideration in our Committee on Government Reform for a number of years, and it has been the subject of multiple legislative and oversight hearings and was included in the President’s budget proposal for fiscal year 2006. Specifically, H.R. 2066 would combine GSA’s current Federal Supply Service and Federal Technology Service into a single entity, operating out of a united fund. This would provide Federal agencies with a one-stop shop to acquire all of their commercial goods and services.

The separate technology fund was created in the 1980s to assist agencies as they incorporated complex main-frame computers into their daily operations. But today information technology is as common in the Federal workplace as furniture. Having two separate entities within GSA, one focusing on IT goods and services, one focusing on non-IT goods and services, is no longer appropriate. So H.R. 2066 would provide GSA with the statutory structure that it needs to bring it in line with the current commercial market.

Overall, the reforms provided in H.R. 2066 would help GSA streamline its operations, improve its performance and efficiency far into the future. I urge its passage today, Mr. Speaker, and I congratulate the bill's distinguished authors, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from California (Mr. HUNTER) for working to create such a thoughtful bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with my colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), in consideration of H.R. 2066, the bill before us today.

H.R. 2066, the General Services Modernization Act, as reported by the Committee on Government Reform, represents the first major reorganization within the GSA in nearly 20 years. This bill would combine without substantive change the revolving funds used for the operations of the Federal Supply Service and the Federal Technology Service, both currently separate organizations within GSA.

The bill would also authorize a new unit, the Federal Acquisition Service, headed by a commissioner, to take over the operations of the combined services.

The Federal Supply Service provides an economic and efficient system for the procurement and supply of goods and services to Federal agencies. One way it does this is through the schedules program which manages long-term government-wide contracts for commercial goods and services. This provides customer agencies with benefits of volume discount pricing, lower administrative costs, and reduced inventories.

The Federal Technology Service offers agencies a wide range of information technology and telecommunication products and services on a number of contract vehicles. Its focus is oriented toward providing more full-service solutions for IT, telecommunications and professional services.

While I would have preferred a more thorough analysis of the benefits of the consolidation intended by this bill, the proposal would seem to offer increased organizational efficiency and improved coordination of the functions the services currently provide. I look forward

to reviewing the detailed reorganization plans that the GSA is preparing.

The bill also contains provisions which would give civilian agencies additional tools to maintain their acquisition work forces. It would allow agencies to offer retention bonuses and to reemploy retirees in certain special circumstances. I would also like to thank the chairman for working with us to provide appropriate safeguards on the use of this authority and for accepting a Democratic amendment regarding the appointment of the new commissioner of the Federal Acquisition Service.

While not directly relevant to this legislation, I would like to take this opportunity to urge the GSA to consult more closely with Federal employee unions on its plans for reorganizing. A number of representatives of Federal employees have contacted the committee with concerns about the reorganization. Primary among those concerns is the fact that no one seemed to be talking to them about the plans for merging the two services. This approach can only breed distrust and fear, and I urge the administrator to improve communication with the affected employees.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I withdraw my motion to suspend the rules on H.R. 2066.

The SPEAKER pro tempore. The motion is withdrawn.

#### GENERAL SERVICES ADMINISTRATION MODERNIZATION ACT

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2066) to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2066

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "General Services Administration Modernization Act".*

#### SEC. 2. FEDERAL ACQUISITION SERVICE.

##### (a) ESTABLISHMENT.—

(1) *IN GENERAL.*—Section 303 of title 40, United States Code, is amended to read as follows:

##### **"§303. Federal Acquisition Service**

*"(a) ESTABLISHMENT.*—There is established in the General Services Administration a Federal Acquisition Service. The Administrator of General Services shall appoint a Commissioner of the Federal Acquisition Service, who shall be the head of the Federal Acquisition Service.

*"(b) FUNCTIONS.*—Subject to the direction and control of the Administrator of General Services, the Commissioner of the Federal Acquisition Service shall be responsible for carrying out functions related to the uses for which the Acquisition Services Fund is authorized under section 321 of this title, including any functions that were carried out by the entities known as

the Federal Supply Service and the Federal Technology Service and such other related functions as the Administrator considers appropriate.

*"(c) REGIONAL EXECUTIVES.*—The Administrator may appoint up to five Regional Executives in the Federal Acquisition Service, to carry out such functions within the Federal Acquisition Service as the Administrator considers appropriate."

(2) *CLERICAL AMENDMENT.*—The item relating to section 303 at the beginning of chapter 3 of such title is amended to read as follows:

"303. Federal Acquisition Service."

(b) *EXECUTIVE SCHEDULE COMPENSATION.*—Section 5316 of title 5, United States Code, is amended by striking "Commissioner, Federal Supply Service, General Services Administration." and inserting the following:

"Commissioner, Federal Acquisition Service, General Services Administration."

(c) *REFERENCES.*—Any reference in any other Federal law, Executive order, rule, regulation, reorganization plan, or delegation of authority, or in any document—

(1) to the Federal Supply Service is deemed to refer to the Federal Acquisition Service;

(2) to the GSA Federal Technology Service is deemed to refer to the Federal Acquisition Service;

(3) to the Commissioner of the Federal Supply Service is deemed to refer to the Commissioner of the Federal Acquisition Service; and

(4) to the Commissioner of the GSA Federal Technology Service is deemed to refer to the Commissioner of the Federal Acquisition Service.

#### SEC. 3. ACQUISITION SERVICES FUND.

(a) *ABOLISHMENT OF GENERAL SUPPLY FUND AND INFORMATION TECHNOLOGY FUND.*—The General Supply Fund and the Information Technology Fund in the Treasury are hereby abolished.

(b) *TRANSFERS.*—Capital assets and balances remaining in the General Supply Fund and the Information Technology Fund as in existence immediately before this section takes effect shall be transferred to the Acquisition Services Fund and shall be merged with and be available for the purposes of the Acquisition Services Fund under section 321 of title 40, United States Code (as amended by this Act).

(c) *ASSUMPTION OF OBLIGATIONS.*—Any liabilities, commitments, and obligations of the General Supply Fund and the Information Technology Fund as in existence immediately before this section takes effect shall be assumed by the Acquisition Services Fund.

(d) *EXISTENCE AND COMPOSITION OF ACQUISITION SERVICES FUND.*—Subsections (a) and (b) of section 321 of title 40, United States Code, are amended to read as follows:

*"(a) EXISTENCE.*—The Acquisition Services Fund is a special fund in the Treasury.

*"(b) COMPOSITION.*—

*"(1) IN GENERAL.*—The Fund is composed of amounts authorized to be transferred to the Fund or otherwise made available to the Fund.

*"(2) OTHER CREDITS.*—The Fund shall be credited with all reimbursements, advances, and refunds or recoveries relating to personal property or services procured through the Fund, including—

*"(A) the net proceeds of disposal of surplus personal property; and*

*"(B) receipts from carriers and others for loss of, or damage to, personal property; and*

*"(C) receipts from agencies charged fees pursuant to rates established by the Administrator.*

*"(3) COST AND CAPITAL REQUIREMENTS.*—The Administrator shall determine the cost and capital requirements of the Fund for each fiscal year and shall develop a plan concerning such requirements in consultation with the Chief Financial Officer of the General Services Administration. Any change to the cost and capital requirements of the Fund for a fiscal year shall be

approved by the Administrator. The Administrator shall establish rates to be charged agencies provided, or to be provided, supply of personal property and non-personal services through the Fund, in accordance with the plan.

"(4) DEPOSIT OF FEES.—Fees collected by the Administrator under section 313 of this title may be deposited in the Fund to be used for the purposes of the Fund."

(e) USES OF FUND.—Section 321(c) of such title is amended in paragraph (1)(A)—

(1) by striking "and" at the end of clause (i);

(2) by inserting "and" after the semicolon at the end of clause (ii); and

(3) by inserting after clause (ii) the following new clause:

"(iii) personal services related to the provision of information technology (as defined in section 11101(6) of this title);".

(f) PAYMENT FOR PROPERTY AND SERVICES.—Section 321(d)(2)(A) of such title is amended—

(1) by striking "and" at the end of clause (iv);

(2) by redesignating clause (v) as clause (vi); and

(3) by inserting after clause (iv) the following new clause:

"(v) the cost of personal services employed directly in providing information technology (as defined in section 11101(6) of this title); and".

(g) TRANSFER OF UNCOMMITTED BALANCES.—Subsection (f) of section 321 of such title is amended to read as follows:

"(f) TRANSFER OF UNCOMMITTED BALANCES.—Following the close of each fiscal year, after making provision for a sufficient level of inventory of personal property to meet the needs of Federal agencies, the replacement cost of motor vehicles, and other anticipated operating needs reflected in the cost and capital plan developed under subsection (b), the uncommitted balance of any funds remaining in the Fund shall be transferred to the general fund of the Treasury as miscellaneous receipts."

(h) CONFORMING AND CLERICAL AMENDMENTS.—

(1) Section 322 of such title is repealed.

(2) The heading for section 321 of such title is amended to read as follows:

**"§321. Acquisition Services Fund".**

(3) The table of sections for chapter 3 of such title is amended by striking the items relating to sections 321 and 322 and inserting the following: "321. Acquisition Services Fund."

(4) Section 573 of such title is amended by striking "General Supply Fund" both places it appears and inserting "Acquisition Services Fund".

(5) Section 604(b) of such title is amended—

(A) in the heading, by striking "GENERAL SUPPLY FUND" and inserting "ACQUISITION SERVICES FUND"; and

(B) in the text, by striking "General Supply Fund" and inserting "Acquisition Services Fund".

(6) Section 605 of such title is amended—

(A) in subsection (a)—

(i) in the heading, by striking "GENERAL SUPPLY FUND" and inserting "ACQUISITION SERVICES FUND"; and

(ii) in the text, by striking "General Supply Fund" and inserting "Acquisition Services Fund"; and

(B) in subsection (b)(2)—

(i) by striking "321(f)(1)" and inserting "321(f)"; and

(ii) by striking "General Supply Fund" and inserting "Acquisition Services Fund".

#### **SEC. 4. PROVISIONS RELATING TO ACQUISITION PERSONNEL.**

Section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433) is amended by adding at the end the following new subsections:

"(i) PROVISIONS RELATING TO REEMPLOYMENT.—

"(1) POLICIES AND PROCEDURES.—The head of each executive agency, after consultation with

the Administrator and the Director of the Office of Personnel Management, shall establish policies and procedures under which the agency head may reemploy in an acquisition-related position (as described in subsection (g)(1)(A)) an individual receiving an annuity from the Civil Service Retirement and Disability Fund, on the basis of such individual's service, without discontinuing such annuity. The head of each executive agency shall keep the Administrator informed of the agency's use of this authority.

"(2) SERVICE NOT SUBJECT TO CSRS OR FERS.—An individual so reemployed shall not be considered an employee for the purposes of chapter 83 or 84 of title 5, United States Code.

"(3) CRITERIA FOR EXERCISE OF AUTHORITY.—Policies and procedures established pursuant to this subsection shall authorize the head of the executive agency, on a case-by-case basis, to continue an annuity if—

"(A) the unusually high or unique qualifications of an individual receiving an annuity from the Civil Service Retirement and Disability Fund on the basis of such individual's service, or

"(B) a special need of the agency for the services of an employee, makes the reemployment of an individual essential.

"(4) REPORTING REQUIREMENT.—The Administrator shall submit annually to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the use of the authority under this subsection, including the number of employees reemployed under authority of this subsection.

"(5) SUNSET PROVISION.—The authority under this subsection shall expire on December 31, 2011.

"(j) RETENTION BONUSES.—

"(1) IN GENERAL.—The head of each executive agency, after consultation with the Administrator, shall establish policies and procedures under which the agency head may pay retention bonuses to employees holding acquisition-related positions (as described in subsection (g)(1)(A)) within such agency, except that the authority to pay a bonus under this subsection shall be available only if—

"(A) the unusually high or unique qualifications of an employee or a special need of the agency for the services of an employee makes the retention of such employee essential; and

"(B) the agency determines that, in the absence of such a bonus, it is likely that the employee would leave—

"(i) the Federal service; or

"(ii) for a different position in the Federal service under conditions described in regulations of the Office.

"(2) SERVICE AGREEMENTS.—(A) Payment of a bonus under this subsection shall be contingent upon the employee entering into a written agreement with the agency to complete a period of service with the agency in return for the bonus.

"(B)(i) The agreement shall include—

"(I) the length of the period of service required;

"(II) the bonus amount;

"(III) the manner in which the bonus will be paid (as described in paragraph (3)(B)); and

"(IV) any other terms and conditions of the bonus, including the terms and conditions governing the termination of an agreement.

"(3) TERMS AND CONDITIONS.—A bonus under this subsection—

"(A) may not exceed 50 percent of the basic pay of the employee;

"(B) may be paid to an employee—

"(i) in installments after completion of specified periods of service;

"(ii) in a single lump sum at the end of the period of service required by the agreement; or

"(iii) in any other manner mutually agreed to by the agency and the employee;

"(C) is not part of the basic pay of the employee; and

"(D) may not be paid to an employee who holds a position—

"(i) appointment to which is by the President, by and with the advice and consent of the Senate;

"(ii) in the Senior Executive Service as a non-career appointee (as such term is defined under section 3132(a) of title 5, United States Code); or

"(iii) which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character."

#### **SEC. 5. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall take effect 60 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we had discussed, the bill before us is going to provide the General Services Administration with the statutory structure that it needs to bring it in line with the current commercial market transactions, and it is going to streamline its operation and improve its performance. There are no objections to the bill.

Mr. Speaker, I reserve the balance of my time.

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of H.R. 2066.

The bill before us today, H.R. 2066, the "General Services, Modernization Act" as reported by the Government Reform Committee represents the first major reorganization within GSA in nearly 20 years. The bill would combine, without substantive change, the revolving funds used for the operations of the Federal Supply Service and the Federal Technology Service, both currently separate organizations within GSA. The bill would also authorize a new unit, the Federal Acquisition Service, headed by a Commissioner, to take over the operations of the combined services.

The Federal Supply Service provides an economic and efficient system for the procurement and supply of goods and service to Federal agencies. One way it does this is through the schedules program, which manages long-term, governmentwide contracts for commercial goods and services. This provides customer agencies with benefits of volume discount pricing, lower administrative costs, and reduced inventories.

The Federal Technology Service offers agencies a range of information technology and telecommunications products and services on a number of contract vehicles. Its focus is more oriented toward providing "full service" solutions for IT, telecommunication, and professional services.

While I would have preferred a more thorough analysis of the benefits of the consolidation intended by this bill, the proposal would seem to offer increased organizational efficiency and improved coordination of the functions the Services currently provide.

I look forward to reviewing the detailed reorganization plans GSA is preparing.

The bill also contains provisions which would give civilian agencies additional tools to maintain their acquisition workforces. It would allow agencies to offer retention bonuses and to re-employ retirees in certain special circumstances. I would like to thank the Chairman for working with us to provide appropriate safeguards on the use of this authority, and for accepting a Democratic amendment regarding the appointment of the new Commissioner of the Federal Acquisition Service.

While not directly relevant to this legislation, I would like to take this opportunity to urge GSA to consult more closely with Federal employee unions on its plans for reorganizing. A number of representatives of Federal employees have contacted the Committee with concerns about the reorganization. Primary among those concerns is the fact that no one seems to be talking to them about the plans for merging the two services. This approach can only breed distrust and fear, and I urge the Administrator to improve communication with the affected Federal employees.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I urge all of my colleagues to support H.R. 2066, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 2066, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### CELEBRATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 280) celebrating Asian Pacific American Heritage Month, as amended.

The Clerk read as follows:

H. RES. 280

Whereas the contributions of Asian Pacific Americans to our Nation have been historically significant;

Whereas at the direction of Congress in 1978, the President proclaimed the week of May 4 through 10, 1979, as Asian Pacific American Heritage Week, to provide the people of the United States with an opportunity to recognize the achievements, contributions, history, and concerns of Asian Pacific Americans;

Whereas this seven day period designated Asian Pacific American Heritage Week intended to mark two historical dates—May 7, 1843, when the first Japanese immigrants arrived in the United States, and May 10, 1869, Golden Spike Day, when, with substantial contributions from Chinese immigrants, the first transcontinental railroad was completed;

Whereas in 1992, Congress by law designated that the month of May be annually observed as Asian Pacific American Heritage Month;

Whereas according to the U.S. Census Bureau an estimated 14.5 million United States residents trace their ethnic heritage, in full or in part, to Asia and the Pacific Islands;

Whereas Asian Americans and Pacific Islanders can list innovative contributions to all aspects of life in the United States ranging from the first transcontinental railroad to the Internet;

Whereas in the mid-1700's Filipino sailors formed the first Asian American and Pacific Islander communities in the bayous of Louisiana;

Whereas Asian Americans and Pacific Islanders have added to the vast cultural wealth of our Nation; and

Whereas more than 300,000 Americans of Asian or Pacific Island heritage have bravely and honorably served to defend the United States in times of armed conflict from the Civil War to the present: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes that the United States draws its strength from its diversity, including contributions made by Asian Americans and Pacific Islanders;

(2) recognizes that the Asian American and Pacific Islander community is a thriving and integral part of American society and culture;

(3) recognizes the prodigious contributions of Asian Americans and Pacific Islanders to the United States; and

(4) supports the goals of Asian Pacific American Heritage Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

#### GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 280.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 280 celebrates Asian Pacific American Heritage Month. The resolution honors the immense contributions that Asians and Pacific Islanders have made to our Nation.

This month, May, is Asian Pacific American Heritage Month, and the theme is "Freedom For All—A Nation We Can Call Our Own."

Today, more than 14 million native Hawaiians, Pacific Islanders and Asians call America their home nation. This legislation is a fitting tribute to our Asian and Pacific Island friends and neighbors. I thank the House leadership, particularly the Majority Leader for scheduling this meaningful resolution today.

Congress first observed this commemoration in 1978 as Asian Pacific American Heritage week during the first 10 days of May. Then, in 1992, Con-

gress expanded the commemoration to designate the entire month of May as Asian Pacific American Heritage Month. The first 10 days of May include two important historical dates, May 7, which in 1843 marked the arrival of the first Japanese immigrants to the United States, and May 10, the date in 1869 on which the first North American transcontinental railroad was completed.

The railway was built heading east from Sacramento, California, and west from Omaha, Nebraska, and converged in Utah thanks to the hard work of thousands of laborers, most of whom were Chinese immigrants.

Mr. Speaker, as the war on terrorism continues today, I also wish to recognize the service that more than 300,000 Asian and Pacific veterans have made throughout American history. From the Army's courageous First and Second Filipino Regiments that General Douglas MacArthur sent to spy behind Japanese lines in World War II, to the indescribable bravery of today's soldier heroes like Marine Lance Corporal Victor Lu and Army Specialist Thai Vue, who have lost their lives in the past year in Iraq.

Asian and Pacific Americans have indeed sacrificed so much for our cherished liberty and freedoms. I know that all Members of the House join me in commending the selflessness of these veterans and active duty soldiers.

Mr. Speaker, I thank the distinguished chairman of our Committee on Government Reform, the gentleman from Virginia (Mr. TOM DAVIS) for his hard work on House Resolution 280.

I am pleased to be a cosponsor of the resolution, and I urge all of my colleagues to support its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased and proud to represent an area in Chicago known as Chinatown, and also to note that I just returned during the break from visiting both China and Sri Lanka.

□ 1600

So I rise today in support of H. Res. 280, celebrating Asian Pacific American Heritage Month.

I also want to take a minute to acknowledge the gentleman from Virginia (Mr. TOM DAVIS), the distinguished chairman of the Committee on Government Reform, for his leadership on this important matter.

H. Res. 280 was introduced on May 17, 2005, and enjoys the support and cosponsorship of 66 Members of Congress. Asian Pacific Americans have a long and distinguished history of involvement and participation in this country. From the early 1800s to the 21st century, Asian and Pacific peoples have played a vital role in the development of the United States and have made lasting contributions in all elements of American society.



Today, the U.S. Census Bureau estimates that 14.5 million Americans trace at least a portion of their ethnic heritage to Asian and Pacific Islanders. Asian Pacific American Heritage Month has a rich tradition in this country as well. In June 1977, Representatives Frank Horton of New York and Norman Mineta of California introduced a resolution that called upon President Carter to proclaim the first 10 days of May as Asian Pacific Heritage Week. The celebration remained in this form until President Bush extended the event into the full month of May in 1990.

It was decided that May was the appropriate month for Asian Pacific American Heritage Month because on May 7, 1843, the first group of Japanese immigrants came to the United States. Today, Asian Pacific American Heritage Month is celebrated with events throughout the country intended to educate all of our citizens about the positive impact the Asian Pacific community has had on our Nation. The theme of this year's celebration is Freedom For All—a Nation We Call Our Own.

Mr. Speaker, I want to again thank the gentleman from Virginia (Mr. TOM DAVIS) for sponsoring this measure and thank the Asian Pacific American community for their tremendous contribution to the wealth and success of our great Nation.

I also take a moment of personal privilege to thank a young woman who worked for several years with me as my legislative assistant, Miss Courtini Pugh, who was a member of the Asian Pacific community and is known as one of the most outstanding young persons in America. And so I urge swift passage of this bill.

Ms. BORDALLO. Mr. Speaker, I rise today in honor of Asian Pacific American Heritage Month. I welcome this opportunity to highlight the contributions of Asian and Pacific Islander American communities to our nation.

Asian Pacific American Heritage Month celebrates the contributions that Asian Pacific Islander Americans make in their daily lives. By sharing with us their heritage they bring us a greater understanding and appreciation for what it means to be Asian and Pacific Islanders and proud Americans.

Asian and Pacific Islander Americans have embraced America while honoring their heritage and passing their traditions on to their children. Asian and Pacific Islander Americans also serve our country with pride and distinction in the Armed Forces. I would especially like to honor the uniformed men from Guam who have given their lives to protect our freedom. Army Specialist Christopher Wesley, Lieutenant Michael Vega, Sergeant Eddie Chen, Corporal Jaygee Meluat, Specialist Jonathan Santos, and Officer Ferdinand Ibabao all paid the ultimate sacrifice while serving in Iraq.

We honor the way the experience of Asian and Pacific Islanders contributes to our national identity because while most of us understand words like freedom and oppression in the abstract, a Vietnamese-American can tell you how the dream of freedom can keep you

alive while fleeing oppression on a boat in the high seas. A Chamorro or a Filipino-American who lived through enemy occupation during World War II can help you understand what freedom and liberty means because they had it taken away. If you have never experienced the immediate threat of war to your personal safety, a Korean-American can help you appreciate just how precious peace is. A Chinese-American or a Japanese-American can inspire you with their stories of making good on the American Dream after arriving in the United States without money, friends, or a strong understanding of the English language.

Asians and Pacific Islanders have powerful stories to tell. Their contribution to America is not just the varied foods and diverse cultures they have introduced to this land, it is also the stories of their incredible journeys to freedom.

As we celebrate Asian Pacific American Heritage Month, let us honor the contributions of all Asian and Pacific Islander Americans. Let us appreciate the cultural diversity, the patriotism, and the communities that make America great.

Mr. HONDA. Mr. Speaker, I rise today to honor the contributions of Asian Pacific Islander Americans, APIA. I would like to thank my colleagues for recognizing Asian Pacific American Heritage Month.

Thanks to the late Representative Frank Horton from New York and my good friend, Secretary Norman Mineta, along with Senators DANIEL INOUE and Spark Matsunaga, May is designated as Asian Pacific American Heritage Month to celebrate and honor the contributions of the APIA community.

In the past year, the APIA community has lost extraordinary community activists, advocates, leaders, and long time friends, such as Fred Korematsu, Dr. John B. Tsu, K. Patrick Okura, Iris Chang, and my colleague and friend Congressman BOB MATSUI.

As Chair of the Congressional Asian Pacific American Caucus (CAPAC), I feel privileged to represent a community that is growing exponentially and exceedingly diverse in culture, ethnicities, and language. Today, there are over 12 million APIAs living in the U.S. and representing 4.5 percent of the total U.S. population. By the year 2050, there will be more than 33 million APIAs living in the U.S. My home state of California has both the largest APIA population—4.6 million—and the largest numerical increase of APIAs since April 2000.

I am proud to be a member of the APIA community, because we continue to serve as positive contributors to our many communities by investing in education, business, and cultural opportunities for all Americans.

APIAs continue to build clout and power in all sectors of society. For example, APIAs had a purchasing power of \$296.4 billion in 2002, up 152 percent from 1990. APIAs in California had the most buying power—\$104.1 billion—but APIA buying power is growing fast in places like Nevada, Georgia and North Carolina.

Mr. Speaker, as we honor the 40th anniversary of the Immigration Nationality Act of 1965 and the 30th anniversary of the Refugee Act of 1975 this year, we need to remember that our country was founded and created to protect our freedom and civil liberties. And, as a nation of immigrants we must embrace our diversity.

Embracing diversity also means we need to do a better job of disaggregating data and in-

formation about the APIA community. The APIA community is often misperceived as a monolithic racial group and is often seen as the model minority. Aggregating such a large and diverse group makes it difficult to understand the unique problems faced by the individual ethnicities and subgroups, such as the Southeast Asian Americans, who are refugees that fled their home countries during the late 1970s and early 1980s.

The APIA community continues to fight for our civil rights and against any injustices as Americans. Even after the internment of the Japanese Americans during World War II, we as a community did not grow embittered, or cowed by discrimination; instead, we progressed and moved forward.

In closing, this Asian Pacific American Heritage Month, we take pride in our history, accomplishments, and the promise of our future as we continue to pave the way for a better tomorrow in the name of "Liberty and Freedom for All."

Mr. CUMMINGS. Mr. Speaker, as I rise today to recognize Asian Pacific American Heritage Month, one word comes to mind when I think of the people to whom we dedicate this month—and that word is persistence.

From the transcontinental railroad to academy-nominated films, Asian Pacific Americans have helped shape this Nation in incredible ways.

In fact, as many may know, the backbone of our country's railroad system was built with a labor force that consisted of 80 percent Chinese Americans, who prepared the foundation of our railroad tracks by dangling over cliffs with a mere rope tied to their waists on mountains that rose over 7,000 feet.

In literature, we have the contributions of scholarly elites such as Maxine Hong Kingston and Amy Tan, who have opened our eyes to the different practices of the Far East.

In fitness, we are exposed to the discipline of the world of martial arts with disciplines ranging from Tai Chi to Judo. Finally, in philosophy, we are introduced to the idea of Confucius, Sun Tzu, who wrote *The Art of War*, and Feng Sui to guide our lives.

Not to mention the Chinatowns of our nation, with cuisines ranging from India, Thailand, Korea, Japan, and Vietnam, that has transformed our taste buds with some of the best and most diverse Asian dishes—but more importantly shown the diversity of the continent.

But this wonderful list of Asian contributions did not come without a price. Thousands of Chinese Americans died under dangerous working conditions while building the transcontinental railroad, yet when the railroad was finally completed, they were not even allowed to be a part of the official photograph that documented those involved with the construction. Their names were not mentioned anywhere in news articles, and their faces quickly forgotten in American history.

Chinatowns were created out of necessity as a form of protection from discrimination and a need for survival. Stereotypes that bias our perceptions today came to form as a result of Asian Americans being restricted to specific low-level jobs as deemed appropriate by the majority of the time.

Various anti-immigration laws during the early 1900s ensured racial offenses against Asian Americans were abundant and legal. Our nation should never forget the atrocious

violations we imposed on the Japanese Americans during World War II as we shunned them from society as a result of their ethnicity.

Mr. Speaker, despite all the hardship and adversity that Asian Americans have faced during their time in the United States, the persistence and resilience of Asian Americans have allowed them to flourish into the leading minority group they are today.

I encourage my colleagues to learn from the history of Asian Americans in the United States, so that we may avoid the civil rights violations and discriminatory practices that hurt ethnic communities in the name of national security.

I would also like to encourage the future generations of Asian Americans to follow in the footsteps of their ancestors. Persist in your dreams of a fair America, persist in your desires for an equal America, and persist in your fight for an America that is as dedicated and tolerant of you as your ancestors have been with us.

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of the resolution offered by my friend from Virginia, Mr. DAVIS.

I represent approximately 85,000 Asian Pacific Islander Americans in my Congressional district in New York City.

I am proud to represent the most diverse Congressional District in the country. From the strong Korean community in Elmhurst to the Philippine community of Woodside to Indian American in Jackson Heights to Bangladesh Americans in Parkchester, this district reflects the diversity of the continent of Asia and is a true testament of the American melting pot experience.

Thousands of Asian Americans and South Asians have left their lives behind in their homeland, just as my grandparents did, to make a better life for themselves in New York City. They have succeeded from the shops of 74th Street to the presence of Asians at all levels of law, medicine and commerce in our city. They have also become true stakeholders in our political system.

From the election of Jimmy Meng and John Liu to the New York State Assembly and City Council respectively to Uma Sen Gupta's election as the first Indian American district leader, Asian and South Asians are a vibrant part of our City but the political fabric as well.

Asian Pacific American Heritage month began on June 30, 1977 when the first 10 days of May 1978 were declared Asian Pacific American Heritage week.

Today, there are over 12 million Asian Pacific Islander Americans living in the United States. By the year 2050, there will be an estimated 33.4 million U.S. residents who will identify themselves as Asian alone, which will comprise 8 percent of the total population. This is a projected 213 percent increase of Asian Pacific Islander Americans between 2000 and 2050.

I am proud to represent Asian American and celebrate Asian Pacific American Heritage with all my constituents and colleagues.

Mr. HOLT. Mr. Speaker, this month our nation pays tribute to the contributions of the Asian American and Pacific Islander community, including immigrants, refugees, and natives. More than 13 million Asian Americans and Pacific Islanders, representing a diverse community of backgrounds,

cultures, and experiences, make their homes in the United States. Their unique contributions enhance the moral fabric and character of our great country.

The Asian American and Pacific Islander (AAPI) community is a fast-growing minority group in the United States. Asian Americans and Pacific Islanders are making valuable contributions to every aspect of American life—from business to education to science to the arts. For example, there are now more than 900,000 AAPI-owned small businesses across the country.

As we celebrate the significant progress made by Asian Americans and Pacific Islanders, it is right for us to honor the memory of great leaders of the AAPI community who have passed away recently, and by far one of the greatest was our own Congressman Bob Matsui, who despite imprisonment in an internment camp during World War II, never lost faith in our country, and went on to become a national champion for all of America's seniors. We miss Bob dearly, but the voters of California have blessed us by sending his wife, the Gentlelady from California, Ms. DORIS MATSUI, to carry on his wonderful legacy in this body.

In memory of Bob Matsui and other great figures in the history of our nation, it is only fitting that this year's theme for Asian Pacific American Heritage Month is "Liberty and Freedom for All." In my own district, we have our share of emerging leaders from the Asian community, including my friend Shing-Fu Hsueh, the mayor of West Windsor, who is a model public figure. Like Bob Matsui, Shing-Fu Hsueh is a believer in the American ideal, that anyone—regardless of religion, race, or gender—can realize their dreams for themselves and their children. Unfortunately, the faith of every member of New Jersey's Asian community in that American ideal has been sorely tested recently.

You see, on the very eve of Asian Pacific American Heritage Month, two talk show hosts—whose program airs on one of the largest stations in New Jersey—made a most obnoxious, insulting, and despicable series of anti-Asian statements.

Last month, these shock jocks verbally demeaned Mr. Jun Choi, a Korean-American running for mayor of Edison, New Jersey, mockingly asking their listeners "Would you really vote for someone named Jun Choi?" They then preceded to say that "Americans" should govern our towns, counties, and country—as if Jun Choi, Shing-Fu Hsueh, and the thousands of other hard-working, tax-paying, and participating people of Asian heritage are not real Americans.

I could cite even more examples from this outrageous broadcast but I refuse to demean this House by repeating some of the other language that these two radio racists used. I'm extremely disappointed that the management of the radio station in question, 101.5 FM,

has not issued a written public apology to Jun Choi and the entire Asian community. In my judgment it is the absolute minimum they should do, and I also believe the station management should pledge never again to allow such racist rants to be aired on their station.

Mr. Speaker, as the Asian Pacific American community continues to contribute to our society and grow in influence—politically, economically, and culturally—I am pleased to say that Americans like Jun Choi, Shing-Fu Hsueh, and DORIS MATSUI are indeed taking leading roles in our self-governing country.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 280, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### RECOGNIZING 57TH ANNIVERSARY OF INDEPENDENCE OF STATE OF ISRAEL

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con.Res. 149) recognizing the 57th anniversary of the independence of the State of Israel, as amended.

The Clerk read as follows:

##### H. CON. RES. 149

Whereas in May 1948, the State of Israel was established as a sovereign and independent nation;

Whereas the United States was one of the first nations to recognize Israel, only 11 minutes after its creation;

Whereas Israel has provided the opportunity for Jews from all over the world to re-establish their ancient homeland;

Whereas Israel is home to many religious sites which are sacred to Judaism, Christianity, and Islam;

Whereas Israel provided a refuge to Jews who survived the horrors of the Holocaust and the evils committed by the Nazis which were unprecedented in human history;

Whereas the people of Israel have established a unique, pluralistic democracy which includes the freedoms cherished by the people of the United States, including freedom of speech, freedom of religion, freedom of association, freedom of the press, and government by the consent of the governed;

Whereas Israel continues to serve as a shining model of democratic values by regularly holding free and fair elections, promoting the free exchange of ideas, and vigorously exercising in its Parliament, the Knesset, a democratic government that is fully representative of its citizens;

Whereas Israel has bravely defended itself from attacks repeatedly since independence;

Whereas the Government of Israel has successfully worked with the neighboring Governments of Egypt and Jordan to establish peaceful, bilateral relations;

Whereas, despite the deaths of over one thousand innocent Israelis at the hands of murderous, suicide bombers and other terrorists during the past 4 years, the people of Israel continue to seek peace with their Palestinian neighbors;

Whereas the United States and Israel enjoy a strategic partnership based on shared mutual democratic values, friendship, and respect;

Whereas the people of the United States share affinity with the people of Israel and view Israel as a strong and trusted ally; and

Whereas Israel has made significant global contributions in the fields of science, medicine, and technology: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) recognizes the independence of the State of Israel as a significant event in providing refuge and a national homeland for the Jewish people;

(2) praises the efforts of President George W. Bush and Prime Minister Ariel Sharon to create the conditions for peace in the Middle East;

(3) commends the bipartisan commitment of all United States administrations and United States Congresses since 1948 to stand by Israel and work for its security and well-being; and

(4) extends warm congratulations and best wishes to the people of Israel as they celebrate the 57th anniversary of Israel's independence.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

#### GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Con. Res. 149, the concurrent resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 149 marks the 57th anniversary of the State of Israel. Since its birth in 1948, Israel has stood out as a symbol of morality and courage. It has struggled constantly to maintain its independence, surmounting military attacks from hostile neighbors and prolonged terrorist campaigns.

Even while at war, Israel's democracy and its vibrant diverse and free society have stayed strong. Its doors have remained open to victims of persecution and intolerance around the world. It is the nature of the Israeli nation and the character of the Israeli people that have helped form an unbreakable bond between our nations and our people, and we are proud to call Israel our friend and ally.

The United States and Israel have a long history of friendship and cooperation. In 1948, the United States was one

of the first nations to recognize Israel, doing so only 11 minutes after its creation. From that point onward, the relationship between our Nation and Israel has continued to grow.

As the first and only true democracy in the Middle East, Israel is a remarkable example to its neighbors. Israel has an active free press that constantly holds up a mirror to the government and its policies. It holds regular, free, and fair elections and has a transparent independent judiciary. Israel is home to a remarkably diverse and multiethnic society that includes Jews of Middle Eastern descent, Arabs, Druze, and immigrant communities from Russia, Ethiopia, India and, indeed, all parts of the world. Israel exemplifies religious tolerance and respect.

The Israeli people have demonstrated over and over again their commitment to peace and to security in the face of terrorist threats. Israel has worked with the neighboring countries of Egypt and Jordan to establish peaceful bilateral relations and has seen those bonds flourish and strengthen through initiatives such as the Qualified Industrial Zones which have brought prosperity and development to all of the participants involved.

Israel has also continued seeking peace with its Palestinian neighbors, despite the relentless onslaught of suicide bombers that brought the deaths of over 1,000 innocent Israelis over the last 4 years.

Even while facing militant threats from its neighbors, Israel has flourished and has given the world great gifts through its literature and art and through its medical, technological, and scientific advances. The bond between our nations and our people has never been stronger.

Accordingly, I wish to extend my best wishes and congratulations to the people of the State of Israel on their 57th Independence Day and strongly urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

First of all, let me say what an honor and privilege it is to introduce this resolution today with our great chairwoman of our Subcommittee on the Middle East and Central Asia, my good friend and the gentlewoman from Florida (Ms. ROS-LEHTINEN). We have worked together so well and so closely on the Middle East and other things that it is an honor to do this with her again this afternoon.

I also want to commend my colleague, the gentleman from South Carolina (Mr. WILSON), for introducing this important resolution.

Mr. Speaker, I rise in strong support of this resolution. Fifty-seven years ago, the State of Israel was established as a sovereign and independent state. Rising from the ashes of the Holocaust, Israel represented not only a refuge for

Jews of Europe, the Middle East and elsewhere, but the fulfillment of the age-old dream of the Jewish people for a homeland of their own once again after so many thousands of years.

As you may know, Mr. Speaker, the United States was one of the first nations to recognize Israel only 11 minutes after its creation. The home to many religious sites of Judaism, Christianity, and Islam, Israel provides fair and open access for people of all faiths to visit holy places. The people of Israel have established a unique pluralistic democracy. In fact, it is the only true democracy in the Middle East. This includes the rights and liberties cherished by the people of the United States, including freedom of speech, freedom of religion, freedom of association, freedom of the press, and government by the consent of the governed.

Today, Israel continues to serve as a shining model of democratic values by regularly holding free and fair elections, promoting the free exchange of ideas, and vigorously exercising through its parliament, the Knesset, a democratic government that is fully representative of its citizens. Indeed, Israel and the United States have shared traditions and shared values, and democracy is certainly one of them.

Unfortunately, ever since its independence, Israel has repeatedly, time and time again, been forced to defend itself from attacks. Yet even in the face of this adversity, the government of Israel has successfully worked with the neighboring governments of Egypt and Jordan to establish peaceful bilateral relations.

During the summer of 2000, President Clinton tried to broker a permanent end to the conflict, where the Israelis signed and agreed to a very generous and deep concession. Yet Yasar Arafat rejected the deal, walked out and sparked his terror war. Despite the deaths of over 1,000 innocent Israelis at the hands of murderous suicide bombers and other terrorists since then, the people of Israel continue to seek peace with their Palestinian neighbors.

Regardless, the United States and Israel enjoy a strategic partnership based on shared democratic principles, friendship, and respect. President Bush has said this many, many times. And, indeed, all Presidents of the United States have worked closely with Israel.

Our people share a true affinity of values and view each other as strong and trusted allies. As an American of Jewish heritage myself, I am proud to speak in favor of H. Con. Res. 149, which recognizes the independence of the State of Israel as a significant event in providing refuge and a national homeland for the Jewish people.

The resolution also praises American and Israeli efforts to create the conditions for peace in the Middle East, commends the bipartisan commitment of all United States administrations and United States Congresses since 1948 to stand by Israel and work for its security and well-being, and extends

warm congratulations and best wishes to the people of Israel as they celebrate their 57th anniversary of Israel's independence.

Finally, Mr. Speaker, I would like to welcome Prime Minister Ariel Sharon, who is now visiting the United States, and wish him a safe and productive visit. In fact, the APAC conference, which has been going on these past few days in Washington, as we speak, is a reminder of the work that needs to be done to continue to solidify and strengthen the U.S.-Israel relationship.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from South Carolina (Mr. WILSON), the author and the lead sponsor of this concurrent resolution.

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for yielding me this time, and for her leadership on this issue and her leadership on the Committee on International Relations. It is particularly an honor for me to follow my good friend, the gentleman from New York (Mr. ENGEL). It is wonderful we can be here together as Members of the House Israel Caucus.

Mr. Speaker, I urge my colleagues to join me in supporting House Concurrent Resolution 149, which recognizes the 57th anniversary of the independence of the State of Israel. Since its establishment, Israel has served as a trusted home and safe haven for Jews all over the world. After World War II, Israel welcomed Jews who survived the horrors of the Holocaust.

Mr. Speaker, I have visited firsthand to see the country continue to embrace Jews who are eager to reestablish in their ancient homeland. By regularly holding free and fair elections, promoting the exchange of ideas, and vigorously exercising in its parliament, Israel is a shining model of democracy.

The evolution of this great Nation is a true testament to the power of democracy and the resiliency of the people of Israel. Throughout the past 57 years, the relationship between Israel and the United States has continued to strengthen. Israel is a trusted ally of the United States, and our two countries now enjoy a strategic partnership based on shared mutual democratic values, friendship, and respect.

Additionally, I am grateful my home State of South Carolina and my hometown of Charleston were the home of the largest Jewish population in North America at the time of the American Revolution. Its provincial constitution was the first to recognize Judaism to be coequal to Christianity. The first Jew to be elected to public office in North America was in South Carolina. And the first Jewish fatality in the cause of liberty during the American Revolution was a patriot from South Carolina.

□ 1615

The bonds of Israel and South Carolina are strong.

Today's resolution also commends President George W. Bush of the United States and Prime Minister Ariel Sharon for continuing to work for peace in the Middle East. Despite the deaths of over 1,000 Israelis at the hands of murderous terrorists, the people of Israel continue to seek peace with their Palestinian neighbors. Their perseverance and strong spirit will ensure a bright future for their nation and the Middle East.

As we recognize the 57th anniversary of independence, please join me in extending warm congratulations and best wishes to the people of Israel.

In conclusion, God bless our troops, and we will not forget September 11.

Mr. ENGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to join with my colleagues in congratulating the people of Israel on the 57th anniversary of the independence of the State of Israel. Relationships between Israel and the United States remain strong, based on each country's expressed commitment to democracy, human rights and self-determination for all people.

This past year has been a momentous one for the people of Israel. Israel won its first Olympic gold medal this past summer. Israel won its first Nobel Prize this past year, and the Israeli economy continues to recover.

Israel as a nation continues to thrive. Its people remain strong and optimistic about the future. The negotiated end to violence and Prime Minister Sharon's proposed disengagement plan to dismantle Jewish communities in Gaza and parts of the West Bank move the peace process into a new and uncharted era.

Now the attention of the Israeli and Palestinian peoples turn to the outcome of talks between Israeli Prime Minister Sharon and Palestinian President Mahmoud Abbas as to what will come in the wake of the withdrawal from Gaza.

As we wish the Israeli people mazel tov on the anniversary of their independence, we stand ready to assist in every way in moving the peace process forward toward a permanent end to the violence and toward peace and mutual prosperity for Israel and her closest neighbor, Palestine.

On Sunday of this past week, I had an opportunity to participate with a number of my constituents in a Solidarity Day demonstration in our community. Again, I simply want to congratulate them for their continued steadfastness. I am proud and pleased to support this legislation.

Mr. HOYER. Mr. Speaker, I want to congratulate the citizens of Israel and the entire Jewish community on this 57th anniversary of the State of Israel's founding, also known as Yom Ha'atzmaut.

For 57 years, the Israeli people have faced persistent challenges and threats, and they have prevailed—and will continue to prevail and flourish—because of their unshakable courage and faith in Israel's democratic future.

Israel is today the only true democracy in the Middle East, and the foundation of her government is similar to our own—freedom of religion, freedom of speech, respect for basic human rights and respect for the rule of law. The American-Israel partnership is unbreakable. We are both nations of immigrants. We are safe havens for the oppressed. We are partners for peace. And we are united in fighting terrorism.

I am pleased that once again this summer I will have the opportunity to lead a delegation of Democratic Members of Congress to Israel. Two years ago, I had the honor of leading the largest Congressional delegation in Israel's history to the Jewish state. And, I believe it is imperative that our newer Members see Israel's security challenges first-hand and gain a better appreciation of her importance to America's national security interests.

I urge my colleagues to support this important Resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it was Theodore Herzl that said, "im tirtzu ein zo agadah" (EEm teer-su, ain so aga DAH); if you will it, it is no dream. Today we are here to celebrate his dream and recognize the 57th anniversary of the independence of the State of Israel.

On May 14, 1948, the State of Israel was established as a sovereign and independent nation and the United States was one of the first nations to recognize Israel, a mere 11 minutes after its creation.

Israel has provided a unique opportunity for Jews from all over the world to reestablish their ancient homeland. In addition, it is a home to many religious sites which are sacred to Judaism, Christianity, and Islam and attracts visitors every year.

Israel provided a refuge to Jews who survived the horrors of the Holocaust and the evils committed by the Nazis which were unprecedented in human history. The people of Israel have established a unique, pluralistic democracy which includes the freedoms cherished by the people of the United States, including freedom of speech, freedom of religion, freedom of association, freedom of the press, and government by the consent of the governed.

Israel continues to serve as a shining model of democratic values by regularly holding free and fair elections, promoting the free exchange of ideas, and vigorously exercising in its Parliament, the Knesset, a democratic government that is fully representative of its citizens. Israel continues to bravely defend itself from attacks repeatedly since independence, such horrors that have become a daily reality for the people who live there.

I want to applaud the Government of Israel for successfully working with the neighboring Governments of Egypt and Jordan to establish peaceful, bilateral relations. I have had the privilege of visiting Israel, and hearing first-hand how the government is taking great strides to ensure peace for generations.

The United States and Israel enjoy a strategic partnership based on shared mutual democratic values, friendship, and respect. The people of the United States share affinity with the people of Israel and view Israel as a

strong and trusted ally. I hope this friendship continues to grow and blossom for decades to come, as Israel settles itself in a firm place on our global map.

Mr. HOLT. Mr. Speaker, I rise today in strong support of H. Con. Res. 149 which celebrates the 57th anniversary of the independent and democratic State of Israel. Today we remember and pay tribute to the creation of the State of Israel. The United States took only eleven minutes after Israel had been declared a state to officially welcome her into the community of nations. For the last 47 years the United States and Israel built a unique and strong and special relationship.

The creation of the State of Israel was a bold step in May of 1948. The first Prime Minister of Israel, David Ben-Gurion, once said that, "courage is a special kind of knowledge: the knowledge of how to fear what ought to be feared and how not to fear what ought not to be feared." It is from such courage that Israel was formed and it is that that continues to maintain Israel as a vibrant and strong democracy today. We can all learn examples from the struggles that the citizens of Israel have endured and the grief they have overcome to remain a democratic outpost in the Middle East.

Yet, much work remains unfinished. We all remain troubled by the continued violence in the Middle East and we all continue to pray for a peaceful end to the years of violence and terror. The United States and our citizens learned all too well about the effects of terrorism on an early morning in September of 2001. In that one day, the nations of the world rallied to our side, offered aid, and pledged to assist us in any way possible. Yet, sadly, events like that September morning have been frequent occurrences in Israel. This fact can too easily be lost as the continued violence and terror is pushed off the front pages of our news papers and out of the nightly news on TV. That is why it is important now, more than ever, to remember and support our strongest and oldest ally in the Middle East.

I am proud to join with my colleagues today to reiterate our continued strong support of Israel, its right to defend itself and its people from terrorism, and to focus on the special relationship that exists between our two nations. I have had the pleasure to travel to Israel on a number of occasions, and these visits have only reinforced my strong conviction that the United States needs to remain a strong partner of Israel and remain actively engaged in negotiating a peaceful and equitable agreement between the parties to this conflict.

Mr. Speaker, I am pleased to support this resolution in celebrating the 47 years of Israel's existence as a beacon of democracy and hope in the Middle East. I also celebrate today the daily courage exhibited by the citizens of Israel and want to express my personal commitment to Israel at this important milestone in its history. I look forward to future anniversaries, and to the day when Israel and her citizens can live in peace without the need for courage against fear.

Mr. VISCLOSKEY. Mr. Speaker, I rise today in support of H. Con. Res. 149, a measure recognizing the 57th anniversary of the independence of the State of Israel. It is my honor to recognize this anniversary which marks the restoration of Jewish independence with the establishment of the State of Israel in 1948.

I commend the Israeli people for their remarkable achievements in building a new

state and a pluralistic and democratic society in the Middle East in the face of terrorism and hostility. On this occasion, I extend my warmest congratulations and best wishes to the state of Israel and her people for a peaceful, prosperous, and successful future.

Independence Day is a celebration of the renewal of the Jewish state in the Land of Israel, the birthplace of the Jewish people. In this land, the Jewish people began to develop its distinctive religion and culture some 4,000 years ago, and here it has preserved an unbroken physical presence, for centuries as a sovereign state, at other times under foreign control.

On this 57th Anniversary of the establishment of the State of Israel, we recognize that the Israeli people have created one of the leading nations in the fields of science, technology, medicine, and agriculture. The people of Israel have established a vibrant and functioning pluralistic and democratic political system that guarantees the freedoms of speech and press, and free, fair, and open elections with respect for the rule of law. With a strong democracy in a troubled part of the world, Israel has absorbed millions of new immigrants from all over the world. Some of these immigrants arrived without a single possession, but Israel welcomed them by providing housing, education, social security, and health care.

I rise also to condemn the rising tide of anti-Semitism around the globe and to demonstrate the United States' lasting bond of friendship and cooperation with Israel, which has existed for the past 57 years.

Mr. Speaker, at this time, I ask that you and my other distinguished colleagues join me in recognizing and paying tribute to the state of Israel as she celebrates her 57th Independence Day and again extend my warmest wishes for a peaceful and prosperous future. I urge my colleagues to join me in supporting H. Con. Res. 149.

Mr. STEARNS. Mr. Speaker, I rise today in strong support of H. Con. Res. 149, honoring the 57th anniversary of Israel's independence and thank the gentleman from South Carolina for introducing this resolution. From the ashes of the Holocaust, Israel rose to become a shining example of democracy and liberty in a neighborhood otherwise dominated by totalitarian and dictatorial regimes.

The United States and Israel have had a special relationship since modern Israel's founding in 1948. The U.S. was the first country to recognize Israel, only 11 minutes after it was officially created. Since then, the two countries have developed a rock-solid friendship based on shared values and the fundamental principles of freedom and equality.

A strong U.S.-Israel relationship is in the best interest of both countries. Israel stands shoulder-to-shoulder with the U.S. in countering the greatest threats to American interests in the region. When terrorists strike U.S. targets in the region or elsewhere in the world, Israel does not duck for cover but stands by the U.S. Additionally, no other country in the region supports the American position at the United Nations as consistently as Israel.

Israel's 57th anniversary is a great day for not only Israel but for freedom loving people all around the world.

Mr. CROWLEY. Mr. Speaker, I am proud to speak in strong support of the resolution today honoring the 57th anniversary of the Independence of the State of Israel.

I congratulate the people of the State of Israel and the greater Jewish community on the 57th anniversary of their Independence.

The creation of the Jewish State in 1948 was met with the immediate support and recognition from the United States, and our country has continued to consider Israel our closest friend and strongest ally.

As Israel continues to fight against terrorist groups, it is more important than ever the United States continues to show our solidarity and provide whatever aid and support both economic and moral, to our friend Israel.

Israel, as the only truly democratic nation in the Middle East should be lauded for 57 years of democracy.

Israel continues to show the world that this small state who has been surrounded by aggressive states for most of its existence is here to stay. I believe the survival of the Jewish state is paramount and the United States must continue to encourage Israel's sustained efforts to defend the freedoms and rights it has secured its citizens.

Since its Independence, Israel has endured the unstable and troubling conditions in the Middle East that have sparked several wars and incited much violence.

Yet the Israeli people remain united and strong and continue to stand up for their nation. That is why I re-affirm the right of the Israeli people to always protect themselves and their state from the forces of terrorism, no matter where it may exist.

Israel is a modern success story, the only Democracy in the Middle East, the only Middle Eastern country where Arabs have the right to vote for their elected officials and their political leaders.

Her detractors and those who hide their anti-Semitism behind anti-Zionism must not denigrate the success of Israel. I am proud to be one of Israel's strongest friends in Congress and to wish Israel a hearty Mazel Tov on 57 years of Independence.

Mr. LANTOS. Mr. Speaker, I commend our colleague from South Carolina, JOE WILSON, for his effort in introducing this resolution and I am delighted to join him extending the heartfelt congratulations of the Congress and the American people to the Israeli people in recognition of the 57th anniversary of their independence, which they celebrated this month.

Mr. Speaker, Israel is a tiny island of refuge in the midst of a roiling sea of hostile neighbors. Although relentlessly under attack since their nation's birth, the Israeli people have succeeded in creating the only democracy in the Middle East, and one of the most prosperous, technologically advanced, and reliably just societies on earth.

In the 57 years of its independence, Israel has absorbed millions of Jewish immigrants from all around the world, including over a million immigrants from the former Soviet Union in just the past 15 years. This is a remarkable and unprecedented achievement for a country whose population was only 600,000 in 1948. Israel has given immigrants the opportunity to live lives of dignity and equality in a free society—people who otherwise would have lived, at best, as second- or third-class citizens in the countries they left behind.

An indication of the vibrancy and vitality of Israeli democracy, Mr. Speaker, is the fact that Israel celebrates its anniversary this year as it prepares to resettle civilian settlements and

disengage its military forces from Gaza and parts of the West Bank. This was Prime Minister Sharon's incredibly bold and courageous initiative. It will not be easy to implement, given the determined opposition of a minority of Israelis. But anyone who knows Ariel Sharon has little doubt that the disengagement will happen, just as the Prime Minister intends.

The disengagement from Gaza entails not only political risks for Prime Minister Sharon but also security risks for Israel. It is in our national interest to assist Israel to reduce those risks. The United States stood by Israel when it took courageous steps for peace with Egypt and Jordan, and we will continue to stand by Israel as it undertakes risks in order to make progress toward peace with the Palestinians. The United States is also committed to helping Israel deal with the emerging threats of radical regimes and terrorist organizations in the Middle East.

We must not forget, Mr. Speaker, that progress toward peace has come at a great cost. For the past four and half years, innocent civilians have been murdered by terrorists aiming to destroy the state, and Israelis have been killed only because they were Israelis. By supporting Israel in its struggle for peace, we honor the victims' memory and help to promote better future, both for Israelis and Palestinians and the region.

The establishment of the State of Israel has been a great boon not only for those who live there, but it is of great importance for our nation as well. We treasure Israel as our most loyal ally in the Middle East and as the embodiment of democratic values we cherish. It is no wonder that the United States has played a critical role in supporting Israel's security in a bipartisan fashion. It is a record about which we are justifiably proud and a standard to which we will aspire for years to come.

In recognizing Israeli independence, we reiterate our commitment to ensure the safety and security of the State of Israel for the sake of the Israeli people and for the sake of the American people. The historic ties and friendship between our two democratic states have been a source of great pride for both our nations, and we are committed to maintaining and reinforcing them. As the Israeli people continue to draw inspiration in their struggle for peace and security from their friends and supporters in the United States, the Israeli people should know that Israel has no greater friend and no stronger supporter than the people of the United States of America.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 149, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. ENGEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HONORING THE LIFE OF SISTER DOROTHY STANG

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 89) honoring the life of Sister Dorothy Stang.

The Clerk read as follows:

H. CON. RES. 89

Whereas Sister of Notre Dame de Namur Dorothy Stang, moved to the Amazon 22 years ago to help poor farmers build independent futures for their families, and was murdered on Saturday, February 12, 2005, at the age of 73, in Anapu, Para, a section of Brazil's Amazon rain forest;

Whereas, a citizen of Brazil and the United States, Sister Dorothy worked with the Pastoral Land Commission, an organization of the Catholic Church that fights for the rights of rural workers and peasants, and defends land reforms in Brazil;

Whereas her death came less than a week after meeting with the human rights officials of Brazil about threats to local farmers from some loggers and landowners;

Whereas, after receiving several death threats, Sister Dorothy recently commented, "I don't want to flee, nor do I want to abandon the battle of these farmers who live without any protection in the forest. They have the sacrosanct right to aspire to a better life on land where they can live and work with dignity while respecting the environment.";

Whereas Sister Dorothy was born in Dayton, Ohio, entered the Sisters of Notre Dame de Namur community in 1948, and professed final vows in 1956;

Whereas, from 1951 to 1966, Sister Dorothy taught elementary classes at St. Victor School in Calumet City, Illinois, St. Alexander School in Villa Park, Illinois, and Most Holy Trinity School in Phoenix, Arizona, and began her ministry in Brazil in 1966, in Coroata in the state of Maranhao;

Whereas, last June, Sister Dorothy was named "Woman of the Year" by the state of Para for her work in the Amazon region, in December 2004, she received the Humanitarian of the Year award from the Brazilian Bar Association for her work helping the local rural workers, and earlier this year, she received an "Honorary Citizenship of the State" award from the state of Para; and

Whereas Sister Dorothy lived her life according to the mission of the Sisters of Notre Dame: making known God's goodness and love of the poor through a Gospel way of life, community, and prayer, while continuing a strong educational tradition and taking a stand with the poor people especially women and children, in the most abandoned places, and committing her one and only life to work with others to create justice and peace for all: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress hereby honors the life and work of Sister Dorothy Stang.*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

#### GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the gentleman from Ohio (Mr. RYAN) and his cosponsors for bringing this important resolution to the floor. I also wish to commend the gentleman from Illinois (Chairman HYDE) and our ranking member, the gentleman from California (Mr. LANTOS), for expediting the consideration of this resolution in our Committee on International Relations.

Sister Dorothy worked in Brazil to directly help the people who are most in need, rural workers and peasants. She showed great personal courage by continuing on in her work with the Pastoral Land Commission despite death threats.

Brazil and the world were shocked when Sister Dorothy was murdered on February 12, 2005. She was 73 years of age. It is fitting and proper that the United States Congress should recognize the extraordinary example that Sister Dorothy set for her countrymen here in the United States and in her adoptive country of Brazil.

Today, we stand together to remember Sister Dorothy's extraordinary life. Perhaps an even more eloquent and lasting testament to Sister Dorothy's memory is the fact that Americans of faith are working every day for their fellow man in the remotest corners of the world. Many are to be found across our own hemisphere. Throughout their good works, they also honor Sister Dorothy's sacrifice.

Mr. Speaker, I am certain my colleagues will join me in strong support of this concurrent resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. I want to congratulate the gentleman from Ohio (Mr. RYAN) for his leadership in commemorating the life and work of Sister Dorothy Stang.

Mr. Speaker, Sister Dorothy Stang stood firmly on the side of the weak and disposed in the Brazilian rainforest for over 40 years. Her willingness to defend the indigenous people ultimately led to her untimely and tragic death.

Dorothy Stang entered the Sisters of Notre Dame de Namur community in 1948, and professed final vows in 1956. In 1966, she began her very important ministry in Brazil.

Sister Dorothy immediately encountered injustices which made her a life-long crusader for the rights of indigenous minorities and a voice for the



voiceless before the powerful Pastoral Land Commission.

In her work, Sister Stang took on powerful land interests, and steadfastly defended small groups of families and their traditional ways of life. Sister Stang taught the local communities ways of sustainable development and peaceful community living.

Because she was a thorn in the side of those powerful interests, Sister Dorothy received numerous death threats, but she always shrugged them off. She did so not carelessly or lightheartedly, but with a deep sense of the importance of her work and the peaceful approach to conflicts she had always promoted.

With the brutal murder of Sister Stang in February, the indigenous communities of the rainforest have lost one of their most powerful voices. Indeed, Brazil has lost one of the most respected human rights leaders.

We call on the Brazilian Government to bring to justice not only the people who pulled the trigger, but also those who devised the evil plot to kill her for sheer financial greed.

Sister Dorothy Stang leaves a huge legacy which puts the burden on the Brazilian and U.S. Governments to protect those communities for whom Sister Stang gave her life.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, I yield 7 minutes to the gentleman from Ohio (Mr. RYAN), the author of this resolution.

Mr. RYAN of Ohio. Mr. Speaker, I rise today in support of H. Con. Res. 89, and I thank the gentleman from New York (Mr. ENGEL) and offer very warm thanks to the gentleman from Illinois (Chairman HYDE) and to the ranking member, the gentleman from California (Mr. LANTOS), for their leadership and support on this resolution which honors the life and the work of Sister Dorothy Stang.

I would also like to acknowledge Sister Dorothy's family, her sister, Marguerite, and her family from Fairfax, Virginia, and her brother, David Stang from Denver, Colorado.

Sister Dorothy was an American Catholic nun with the Order of Sisters of Notre Dame de Namur. She was originally from Ohio, but had moved to Brazil nearly 40 years ago with four other sisters of Notre Dame in response to a request from then-Pope John XXIII who asked religious communities around the world to serve in Latin America.

She worked in earnest to profess the order's mission, to educate and stand with the poor. Sister Dorothy also worked with the Pastoral Land Commission, an organization of the Catholic Church that fights for the rights of rural workers and peasants. Sister Dorothy's selfless way of life brought comfort and hope to an area of the world wrought with corruption and despair. She was committed to social justice, and worked tirelessly to help poor farmers with sustainable development

techniques, minister and teach the men of the village to be faith leaders, and help in the building of houses and school rooms.

Sister Dorothy taught the women of Brazil to sew and to sell clothing to finance the building of a dam to provide electricity to their community. She pioneered 21 community centers. These centers taught agriculture, health care, education, and spirituality.

Although she was a profound leader and was loved by many, her fate did not parallel her life's work. Sister Dorothy was brutally murdered on February 12 of this year after receiving several death threats from loggers and landowners. Knowing of this grave danger, Sister Dorothy wrote, "I do not want to flee, nor do I want to abandon the battle of these farmers who live without any protection in the forest. They have the sacrosanct right to aspire to a better life on land where they can live and work with dignity while respecting the environment."

She then went on to say, "I am grateful to Notre Dame for not asking me to leave. This shows we are aware of the needs of the poor. The Sisters have said they are worried about any safety. It is not my safety, but that of the people which matters."

At the time of her death, Sister Dorothy had just traveled to drop off cloth and food to families whose homes had been burned by ranchers and loggers. She was approached by two gunmen, and knowing her fate, reached into her cloth bag, took out her Bible and began reading the Beatitudes, "Blessed are the peacemakers for they shall be called the children of God."

Sister Dorothy Stang is a true martyr. She lived and died teaching and fighting for peace and justice among a people who were poor and disenfranchised. She lifted up the oppressed and taught people about their rights as human beings. She was named "Woman of the Year" by the state of Para for her work in the Amazon, and in 2004 she received the Humanitarian of the Year award from the Brazilian Bar Association for her work in the region.

Sister Dorothy's dream was to have an area of land set aside by the federal government of Brazil as a federal reserve where the poor families and landless peasants would be safe, where they could farm their land, build their own income-producing businesses, and above all, where they could live in peace and dignity without threats to their lives.

Sister Dorothy reminds us all to be courageous and to work for what we believe in. We must all be champions of our principles and causes, and that our religion is not merely a set of beliefs, but a series of actions. She gave her life to protect the downtrodden and forgotten. While her brutal murder shows the great challenges we face in the pursuit of social justice, her life shows the awesome power one human being has to change the world.

I hope that this simple act of commemoration will not be the end of Sister Stang's story, but the very beginning. That Congress will use this opportunity to demonstrate its concern for inequality and poverty all over the world by making available the resources needed to combat these social ills.

Finally, Mr. Speaker, President Kennedy once said in a speech at Amherst College, honoring Robert Frost, that "A nation reveals itself not only by the men it produces, but also by the men it honors, the men it remembers."

Today we honor a fearless, selfless defender of peace, a champion in sustainable development, a person affectionately known as "Irma Doroty," and "Angel of the Amazon," a brave martyr, Sister Dorothy Stang.

□ 1630

Mr. ENGEL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 89.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### URGING ROMANIA TO PROVIDE RESTITUTION TO RELIGIOUS COMMUNITIES

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 191) urging the Government of Romania to recognize its responsibilities to provide equitable, prompt, and fair restitution to all religious communities for property confiscated by the former Communist government in Romania, as amended.

The Clerk read as follows:

H. RES. 191

Whereas the establishment of a Communist government in Romania after World War II proved disastrous for established religious institutions;

Whereas a central element of persecution by the Communist government in Romania was the uncompensated confiscation of real and personal property from religious communities and from leaders of religious communities, and the arrest and persecution of religious leaders;

Whereas 2,140 schools, hospitals, orphanages, and other charitable and civic institutions were illegally confiscated under communism from the four historic Hungarian churches (Roman Catholic, Hungarian Reformed, Evangelical Lutheran, and Unitarian) and actual possession and use of such properties has been denied in all but 30 cases;

Whereas Romania's wartime Fascist government began the process of confiscating Jewish property in September 1940 and its

postwar Communist government reaffirmed most of these confiscations;

Whereas only a handful of Jewish communal properties have been restituted, often with government agencies still using the facilities and paying no rent, and over 1,000 communal properties remain in the possession of the Government of Romania;

Whereas some Jewish claims have been willfully ignored for years, such as in the case of agricultural land in Iasi, where municipal authorities continue to sell parcels of this land;

Whereas on January 2, 1990, under terms of Decree-Law 126/1990, the 1948 decree which dissolved the Romanian Greek Catholic Church was abrogated, permitting Greek Catholics again to worship openly, and legal provisions and procedures were established for the return of confiscated properties that before 1948 belonged to the Greek Catholic Church;

Whereas the commission established under Decree-Law 126/1990 composed of representatives of the Romanian Government and Greek Catholic Church has proven ineffective in resolving disputed claims;

Whereas Romanian Law No. 501/2002, providing for the restitution of religious properties, was adopted in June 2002 without consultation with the affected religious communities, does not effectively meet the needs of those communities, contains numerous legal deficiencies, and is delayed in its implementation;

Whereas all of the religious communities have demanded the return of property seized by the Romanian Communist government;

Whereas since 1990, post-Communist countries in Central and Eastern Europe have grappled with the question of how to redress these wrongful confiscations of religious property, but Romania has lagged significantly behind other post-Communist countries;

Whereas since the early 1990s, the United States Commission on Security and Cooperation in Europe has monitored the property restitution and compensation efforts being made by the governments of post-Communist countries in Central and Eastern Europe;

Whereas with respect to the role of the Romanian courts in the restitution process, the Chairman of the United States Commission on Security and Cooperation in Europe observed: "In the mid-1990s . . . hundreds of court decisions in favor of property claimants were reversed by the Supreme Court after they had become final and irrevocable judgments. The European Court of Human Rights has recently ruled that these actions violated the European Convention on Human Rights."; and

Whereas Article 18 of the Universal Declaration of Human Rights provides that "[e]veryone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."; Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) notes with concern the unwillingness of past governments of Romania to recognize the responsibility to provide equitable, prompt, and fair restitution of religious property that was confiscated by the former Communist government of Romania;

(2) calls on the Government of Romania—

(A) to respect the constitutional rights of existence and practice of all religious communities to celebrate and practice their own religion in respectable locations, the right to propagate the given beliefs, and the right to

openly communicate the beliefs and laws of the religion;

(B) to provide fair, prompt, and equitable restitution to all religious communities under Romanian law and in accordance with the Constitution of Romania and all applicable international agreements to which Romania is a party; and

(C) to provide restitution for the property rights of all agricultural and forestry lands belonging to religious communities;

(3) calls upon the Government of Romania to amend Decree-Law 126/1990 to require that claims involving Romanian Greek Catholic properties be heard by an independent, disinterested, nonreligious commission, and calls upon the Government of Romania to prevent the demolition of Greek Catholic churches and to provide immediately for the security of all Greek Catholic churches and other religious buildings dating from the 18th and 19th centuries; and

(4) with respect to Romanian Law No. 501/2002, calls upon the Government of Romania—

(A) to amend the law to reflect the principle of "restitution in integrum" as urged by Resolution 1123/1997 of the Parliamentary Assembly of the Council of Europe and to restore full ownership of all property and all rights emanating from such ownership;

(B) to amend the law to reduce the five-year period to one year during which public institutions can continue to occupy confiscated religious properties;

(C) to amend the law to include compensation, according to an equitable formula, for demolished religious properties;

(D) to increase to fair market value the amount of rent paid to religious communities for properties of which they cannot immediately regain use under law;

(E) to eliminate the practice of requiring monetary compensation from religious communities to cover state costs for maintenance and "improvement" of the buildings since their confiscation in the 1940s; and

(F) to obligate local government officials, bodies, and agencies to provide all necessary documentation and cooperation to facilitate the implementation of decisions issued by the central government's Special Restitution Committee and to cease posing court challenges and other obstacles against such implementation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

#### GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 191. This resolution was introduced by the distinguished gentleman from California (Mr. LANTOS). House Resolution 191 urges the Government of Romania to recognize its responsibilities to provide equi-

table, prompt, and fair restitution to all religious communities for property confiscated by the former Communist government in Romania.

Specifically, this resolution expresses concern at the unwillingness of past governments of Romania to provide restitution of religious property that was confiscated by former Communist government officials of Romania. A central element of persecution by the Communist government in Romania was the uncompensated confiscation of property from religious communities and religious leaders, and the arrest and persecution of religious leaders. After the collapse of the Communist regime in Romania in 1989 and 1990, the new government of Romania adopted legislation to provide for the restitution of religious property seized during the previous 45 years of Communist rule. That legislation has been poorly and slowly implemented by Romanian governments over the past 15 years, and very little of this property has been returned to Romania's religious communities.

The religious communities that have been adversely affected include the Romanian Greek Catholic Church, the Roman Catholic Church, the Hungarian Reformed Church, the Evangelical Lutheran Church, as well as the Unitarian Church, the Jewish community, and other religious communities. Given the inherent injustice in the confiscation of these properties as well as Romania's desire to engage with other democracies through Euro-Atlantic institutions such as NATO and the European Union, Romania must take steps to accelerate the return of these properties to their rightful owners.

Mr. Speaker, it is time for the government of Romania to face its responsibilities and implement what is necessary to resolve these issues. I urge the adoption of this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume. I rise in support of House Resolution 191.

I first want to thank the gentleman from Illinois (Mr. HYDE) for his effort in bringing this resolution forward for action in the House today. I also want to acknowledge our colleagues who introduced this legislation: the gentleman from California (Mr. LANTOS) and the gentleman from Colorado (Mr. TANCREDO). As our colleagues know, the gentleman from California (Mr. LANTOS) has had a longstanding interest and concern for Central Europe and these issues involving religious liberty.

Mr. Speaker, freedom of religion is one of the most important of the blessings of liberty that is assured to us in the United States by the first amendment to our Constitution. It is also a freedom that is explicitly guaranteed in the universal declaration of human rights. Article 18 states: "Everyone has

the right to freedom of thought, conscience and religion and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

It is not enough, Mr. Speaker, for men and women to have freedom of conscience to believe what they choose. It is also essential that they have the right to join with others of like mind to practice and worship together as a religious community; and for this right to be meaningful, they must have the right to control property that they can use for religious, charitable, and educational purposes consistent with their beliefs.

The important resolution that we are considering today goes to the heart of this problem, and it raises serious questions about continuing difficulties of some religious communities in Romania. Romania, like many other countries in Central and Eastern Europe, faced 4½ decades of Communist rule, and Communist Party leaders feared that religion would undermine their authoritarian rule. As a result, most religious property in the country was seized by the Communist government.

Following the collapse of Communist rule, the countries of Central and Eastern Europe have all had to deal with the restitution of property to religious communities, and it has been a difficult and complex process everywhere. In Romania it has been more complex and much slower than elsewhere. For this reason, the resolution before us today urges the Romanian government to recognize its responsibilities to provide equitable, prompt, and fair restitution to all religious communities for property confiscated by the former Communist government in Romania.

Mr. Speaker, the resolution singles out the three categories of religious communities for whom restitution has been particularly slow and unsatisfactory in Romania. The Jewish community saw its properties confiscated beginning in September of 1940 under the Fascist government that preceded the Communist government, but the Communist government reaffirmed these confiscations after it came to power. Only a handful of Jewish communal properties have been restituted and over 1,000 communal properties are still under government control.

The religious communities of the Hungarian ethnic minority have also faced the same problem. Over 2,000 schools, hospitals, orphanages and other charitable and civic properties were seized from the Roman Catholic Church, which in Romania is primarily Hungarian; the Hungarian Reformed Church; the Evangelical Lutheran Church; and the Hungarian Unitarian Church.

The third community is the Greek Catholic Church, a community which is united with the Roman Catholic Church but which observes the Greek Orthodox liturgy. In 1948 the Greek

Catholic Church was dissolved, and its members were forcibly merged with the Romanian Orthodox Church and its properties either seized by the government or given to the Romanian Orthodox Church. In 1990 the Romanian Government adopted legislation to recognize the Greek Catholic community and permit its members to worship openly. Unfortunately, the legal provisions to resolve property restitution have been singularly unsuccessful.

Mr. Speaker, the European Court of Human Rights and the Commission on Security and Cooperation in Europe have both criticized the succession of Romanian governments' failures to satisfactorily deal with the problems. House Resolution 191 urges the recently elected government to take the initiative and work to solve religious property restitution. The government has recently adopted legislation that attempts to deal with some of the issues, and we welcome that effort to put better legislation in place to solve these problems. It will require active and continuing efforts, however; and we urge the government to take those steps.

Members of all of these religious communities in Romania have immigrated to the United States over the past century and even before, and most of the Members of this Congress have constituents who have expressed concern to us about these issues. Mr. Speaker, this resolution reflects the legitimate interests and concerns of American citizens. Let me also add that since Romania is now a member of NATO, it has an urgent responsibility and an extra responsibility to perform its responsibilities. We in the United States are looking to Romania as a NATO member, a fellow NATO member, to now act accordingly.

Mr. Speaker, as a cosponsor of this resolution, I urge my colleagues to support it.

Mr. SMITH of New Jersey. Mr. Speaker, I am pleased to be a cosponsor of this bill, and I commend Mr. LANTOS and Mr. TANCREDO for bringing this matter before the Congress. The process of providing restitution or compensation for property confiscated by former regimes in Romania has been slow, complicated and difficult. We have raised concerns about this with Romanian authorities for many years now.

As of July 2003, more than 200,000 claims for property restitution had been filed in Romania by individuals, and more than 7,000 claims had been filed by religious denominations and communal groups. As the bill indicates, the historic Hungarian churches—including the Evangelical Lutheran, Hungarian Reformed, Roman Catholic and Unitarian—lost more than 2,000 schools, hospitals, orphanages and other institutions under the communist regime in Romania.

Jewish communal properties were decimated by the Fascist regime that ruled Romania during World War II, and those confiscations were reaffirmed by the postwar communist government. Mr. Speaker, the status of more than 1700 Jewish communal properties remains unresolved.

Further, the plight of Romania's Greek Catholic (Uniate) Church, which was banned by the communist government in 1948, is particularly distressful. More than 2,000 churches and other buildings seized from the Uniates were given to Orthodox parishes. The government decree that dismantled the Greek Catholic Church was abrogated in 1989; however, fewer than 200 of their confiscated properties have been returned.

Mr. Speaker, I was pleased that the new government of Romania recently announced the creation of the National Authority for Property Restitution to implement Romania's property restitution laws, and it is my understanding that next week a legislative package designed to remedy these property issues is expected to be introduced. Apparently special attention will be paid to properties once belonging to religious communities and national minorities. The goal is for all outstanding claims to be resolved by the end of 2006. This would be a welcomed achievement.

For 15 years, these property claims have been a source of anguish and frustration for so many Romanians. The political will being demonstrated by President Basescu and his government is commendable. Mr. Speaker, I join my colleagues in this action today, encouraging the Romanian authorities to provide equitable, prompt, and fair restitution of the confiscated properties.

Mr. CARDIN. Mr. Speaker, I rise in support of H. Res. 191 and I commend Mr. LANTOS and Mr. TANCREDO for bringing the issue of property restitution in Romania before the Congress.

More than 15 years since the fall of the communist regime in Romania, tens of thousand of claims for the restitution of, or compensation for, property remain unresolved. This situation is a source of anger and resentment for many citizens and, in my view, a destabilizing factor in Romanian society.

To date, more than 200,000 individual claims for property restitution have been filed with only 15,000—or 7 percent—resolved. The situation for religious and communal properties is equally as dismal. Of the more than 7500 claims for communal properties, less than 600 have been approved for restitution.

The resolution before us addresses the plight of religious and communal properties in Romania.

Jewish citizens of Romania suffered the appropriation of all of their personal and communal property by the fascist regime that ruled the country during World War II, only to have these confiscations confirmed by the post-war communist government that ruled Romania until the fall of Ceausescu in 1989. To date, the status of more than 1700 Jewish communal properties remains unresolved.

Romania's Greek Catholic (Uniate) Church has essentially been caught in a "catch twenty-two" for the past decade and a half. The Greek Catholic Church was banned by the communist government in 1948 and more than 2,000 churches and other buildings seized from them were given to Orthodox parishes. In 1989, the government of Romania annulled the earlier decree, yet to date, fewer than 200 of the Greek Catholic properties have been returned to the community. Successive Romanian administrations have maintained that even though it was a government decree that confiscated the Greek Catholic property, the government has no responsibility to secure the return of those properties to the community.

I am advised that the new government of Romania under President Basescu is taking administrative steps to resolve this crisis as soon as possible and that draft legislation to rectify the shortcomings of current law will be introduced in the near future. I urge the government of Romania to act expeditiously and to ensure a fair and equitable property restitution regime for all of its citizens.

Mr. LANTOS. Mr. Speaker, I want to acknowledge the cooperation of our distinguished colleague from Colorado, a member of the International Relations Committee, Mr. TANCREDI, for his excellent cooperation and work in behalf of H. Res. 191. I also want to thank my friend Chairman HENRY HYDE for his support in bringing this resolution to the floor today.

It is unconscionable, Mr. Speaker, that a decade and a half after the end of the communist regime in Romania we are still dealing with the problem of the restitution of religious property. The communist government in Romania, as well as communist governments elsewhere in Central and Eastern Europe, wanted no challenge to their authority, and throughout that area all religious groups were systematically and meticulously brought under government control. As part of that process, most religious properties were confiscated by the communist governments for state or party use. In Romania, that amounted to the government seizure of literally thousands of religious schools, hospitals, orphanages, and other properties that religious communities used for charitable and humanitarian purposes.

With the fall of the communist governments in 1989, new democratic governments have had to deal with the restitution of this property to the religious communities. Unfortunately, Mr. Speaker, the process in Romania has been slower and less equitable than most other post-communist countries. A series of Romanian governments since 1990 have failed to achieve a successful and fair resolution of this problem, which the European Court of Human Rights and the Commission on Security and Cooperation in Europe both have criticized. Resolution 191 urges the recently elected government to take the initiative and work to solve religious property restitution.

Mr. Speaker, after Congressman TANCREDI and I introduced this resolution, the recently elected government of Romania adopted legislation to deal with some of the issues that our resolution discusses, and we welcome that effort. Legislation, as we have seen, is not necessarily the solution to the problem. It will require active and continuing efforts on the part of the government to solve these problems, and we urge Romanian officials to work actively and aggressively to take the steps necessary to deal with restitution in a fair and equitable manner.

This problem essentially involves all of the religious communities in Romania other than the Romanian Orthodox Church.

The Jewish community saw communal properties confiscated by the Fascist Romanian government beginning in 1940, and these seizures were reaffirmed by the communist government when it came power after 1944. Today over 1,000 Jewish communal properties remain under Romanian government control, properties have not been restored to communal ownership, and no rent or compensation is being paid to the community for their continued use.

The four historic Hungarian religious communities—the Roman Catholic, the Hungarian Reformed, the Evangelical Lutheran, and the Unitarian churches—lost over 2,000 schools and other buildings used for charitable and humanitarian activities. Possession and use of these properties by government entities continues today in all but about thirty instances.

The Greek Catholic Church in Romania is one of the most complicated and clearly one of the most frustrating cases. In 1948, the Greek Catholic Church, which recognizes the authority of the Pope in Rome but uses the Greek Orthodox liturgy, was forcibly merged with the Romanian Orthodox Church, and its properties were merged as well or seized by the government. In 1990 the decree of 1948 was abrogated, but untangling the properties after more than a generation has been extremely difficult.

Mr. Speaker, we have seen Romanian governments delaying and postponing restitution, the Romanian courts have reversed cases that had already been resolved, and inaction by government officials have prevented equitable resolution of the vast majority of these property claims. The European Court of Human Rights ruled that the actions of various Romanian governments in religious property restitution cases in the mid-1990s “violated the European Convention on Human Rights.”

Our resolution calls upon the Romanian Government to respect and resolve these religious restitution cases in a fair, prompt and equitable manner. In the case of the Greek Catholic Church, it calls upon the government to amend fundamentally the legislation establishing a commission for resolution of conflicting claims. In cases where property cannot be restituted within a period of one year, our resolution calls for fair compensation until the restitution can be carried out.

Mr. Speaker, I urge all of our colleagues to support this resolution urging the Government of Romania to recognize its responsibilities to provide equitable, prompt, and fair restitution to all religious communities for property confiscated by the former Communist government in Romania.

Mr. ENGEL. Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 191, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### URGING WITHDRAWAL OF SYRIAN FORCES FROM LEBANON

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 273) urging the withdrawal of all Syrian forces from Lebanon, support for free and fair democratic elections in Lebanon, and the development of democratic institutions and safeguards to foster sovereign democratic rule in Lebanon, as amended.

The Clerk read as follows:

#### H. RES. 273

Whereas the people of the Lebanese Republic have a rich, proud, and honorable history dating from ancient times to the present;

Whereas Lebanon and the United States have enjoyed a history of friendship and cooperation which has been marked by the immigration of many Lebanese to the United States where they and their descendants have contributed greatly to the fabric of American life;

Whereas Syria has dominated the Lebanese political scene, resulting in a deterioration of Lebanon's human rights situation, the manipulation of Lebanese election results to meet Syria's requirements, and the imposition of curbs on Lebanon's media, once the freest in the Arab world;

Whereas Syria has publicly withdrawn its military forces from Lebanon, leaving behind, however, an intelligence structure;

Whereas Congress conditioned the lifting of sanctions on Damascus in the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 108-175) upon the Government of Syria ending its occupation of Lebanon (including the complete withdrawal of intelligence and all other security-related personnel in Lebanon) and upon other factors;

Whereas the international community has, through the passage of United Nations Security Council Resolution 1559 (2004), reaffirmed its call for the strict respect of Lebanon's sovereignty, territorial integrity, unity, and political independence under the sole and exclusive authority of the Government of Lebanon;

Whereas there remains unresolved and as a matter of national and world concern the assassination of Rafiq al-Hariri, former Lebanese prime minister, which has justly been condemned as a terrorist act;

Whereas the international community has begun investigations into the assassination of Rafiq al-Hariri and it is the policy of the United States to urge full cooperation with the investigations;

Whereas the international community is considering further action to promote Lebanese sovereignty;

Whereas the emancipation of political prisoners and detainees held in Syrian and Lebanese prisons is a precondition for national reconciliation and a rebuilding of Lebanon's democratic institutions; and

Whereas general elections in Lebanon are scheduled to begin on May 29, 2005: Now, therefore, be it

*Resolved*, That it is the sense of the House of Representatives that—

(1) Syria should complete its withdrawal of all remaining intelligence and security forces from the Lebanese Republic in accordance with United Nations Security Council Resolution 1559 (2004);

(2) Lebanon should allow unfettered access to international monitors present for the purpose of verifying compliance with United Nations Security Council Resolution 1559 (2004);

(3) Lebanon should hold free, fair, and transparent elections to begin on May 29, 2005, in accordance with all international standards and agreements;

(4) the United States should aid the people of Lebanon in their efforts to restore the separation of powers, the rule of law, and a proper respect for fundamental freedoms of every citizen; and

(5) it should be the policy of the United States Government to—

(A) support free and fair elections in Lebanon by encouraging international election assistance and observers;

(B) support a national dialogue that transcends sectarian divisions and urge the development of democratic institutions and safeguards to foster sovereign democratic rule in Lebanon; and

(C) call for the immediate release of all political prisoners and detainees held in Lebanese and Syrian prisons.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

#### GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Today I stand here filled with emotion and hope. When the gentleman from New York (Mr. ENGEL) and I began working on legislation that expressly called for Syria's full and unconditional withdrawal from Lebanon toward the restoration of the Lebanese independence, we could not have imagined that this day would come just a few years later. This is a testament to the unwavering commitment, determination, and courage of the Lebanese people and to the tireless efforts of the Lebanese-American community in the United States.

The elections scheduled to begin on May 29 mark a very important moment; but it is only the beginning of a journey toward full sovereignty and free, democratic governance. Electoral reform is necessary to ensure that future parliamentary and municipal elections are to be considered fair. We must help the Lebanese people in their quest for a free and fair electoral law as opposed to the current Syrian-orchestrated 2000 law that discriminates against certain sectors of Lebanese society and would actually help perpetuate Syrian influence in Lebanese politics.

The resolution reflects our commitment to supporting the people of Lebanon in their quest to strengthen civil society, develop democratic institutions and safeguards, and transcend sectarian divisions. A free and democratic Lebanon would have the potential to become a model for the region and a source for stability and peace.

Within this context, we must work to ensure full and immediate implementation of all aspects of U.N. Security Council Resolution 1559, beginning with international verification that Syria has withdrawn all security and intelligence forces from Lebanon. That must include the removal of pro-Syrian

security officers such as the military intelligence chief, the police chief, the directors of general security and state security. United Nations Security Council Resolution 1559 clearly calls for free and fair elections devised without foreign interference and influence. We must safeguard against manipulation of the election registration process to allow Syria to keep its tentacles in Lebanese politics.

Simultaneously, steps must be undertaken, both bilaterally and in consultation with European allies and the United Nations, to ensure the immediate and unconditional disarming of all militias and terrorist organizations prior to the next round of elections.

The people of Lebanon should not have to live under repressive terrorist organizations any more than being forced to live under an oppressive Syrian-sponsored regime. For freedom and justice to fully blossom in Lebanon, all Lebanese prisoners of conscience held in Syrian and Lebanese jails must be released and the disappeared must be fully accounted for.

□ 1645

The policy of apathy must end.

Lebanon was once a land of promise, a vibrant democratic society known as the "Paris of the Middle East." Ending the occupation and conducting free, fair, and transparent elections would take a quickly recovering Lebanon one step closer to realizing its full promise.

To the people of Lebanon, I would like to say that they are an inspiration to us all. They remind us of how precious liberty is; and we assure them, as they stand for their freedom, the United States will stand with them.

I want to thank the distinguished gentleman from Michigan (Mr. MCCOTTER) for introducing this important resolution. It was a pleasure working on this text with the gentleman from Michigan (Mr. MCCOTTER) and the gentleman from New York (Mr. ENGEL), my partner on all of these issues. My utmost appreciation goes to the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), ranking member of the Committee on International Relations, as well as to our leadership for moving this resolution expeditiously and bringing it to the floor.

I urge my colleagues to support this measure and, in turn, to support the Lebanese people in their efforts to cast off the shackles of tyranny and occupation.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution. I would first like to commend the gentleman from Michigan (Mr. MCCOTTER) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for their work on this important resolution.

And let me say that I quite agree with the gentlewoman from Florida (Ms. ROS-LEHTINEN), my dear friend;

when we worked together on the Syria Accountability and Lebanese Sovereignty Restoration Act, we knew that we were doing the right thing. We absolutely made the Syrian withdrawal of Lebanon one of the four pillars of that act. But even in our wildest expectations and dreams, we could never have imagined the series of events since the passage of that act, which leads today to freedom for the Lebanese people. And I want to thank my colleagues for standing with us and passing the Act, giving it bipartisan support and enabling us to bring forward this resolution today.

It is an honor to stand on the floor of the House today, approximately 1 month after the Syrian armed forces ended their military occupation of Lebanon. Lebanon is at a crossroads, a place from which it can move forward towards democracy and freedom or take steps back toward the violence which tore it apart so many years ago.

The people of the Lebanese Republic have a rich, proud, and honorable history dating from ancient times to the present, and Lebanon has been a free and democratic nation for most of its modern history. Lebanon and the United States have enjoyed a history of friendship and cooperation which has been witnessed by the immigration of millions of Lebanese to the United States where they and their descendants have contributed greatly to the fabric of American life.

Let me say, Mr. Speaker, that in my years in Congress, I have had the honor and the pleasure to make many friends in the Lebanese American community, and I am proud of the contributions they have made to our country and American policy toward Lebanon. The Lebanese American community was a very important part of the Syria Accountability Act, and the Lebanese American community has played and is continuing to play a very important part in the freedom and democracy of Lebanon.

However, tragically, Syria dominated Lebanese politics and political leaders during its occupation, resulting in a deterioration of Lebanon's human rights situation, the engineering of Lebanese election results to Syria's liking and the imposition of curbs on Lebanon's media, once the freest in the Arab world.

Lebanon, in effect, became a Syrian satellite state where none of its leaders would dare defy the Syrian regime in Damascus. Yet a series of events caused pressure on the Syrian regime to grow. Beginning with the passage of the Syria Accountability and Lebanese Sovereignty Act, Congress showed very strongly that we would not tolerate this continued Syrian occupation of Lebanon.

While Syria could have made smart choices at any point, it never did, and pressure continued to grow for its full withdrawal from Lebanon, again with the President's signing the Syria Accountability Act 1 year ago. Our law

ultimately led to the Security Council's adoption of Resolution 1559, which demanded Syria's withdrawal from Lebanon and the disarmament of Hezbollah and other armed groups.

Yet the most recent developments in the effort to press Syria to leave Lebanon were sparked by the terrorist murder of former Prime Minister Rafik Hariri in Beirut. His assassination, which must still be thoroughly investigated by Lebanon and the international community, triggered a series of popular protests with hundreds of thousands of Lebanese taking to the streets. At one point in one of the demonstrations, literally one-quarter of the entire population of Lebanon took to the streets of Beirut to demand that the Syrian occupation end.

Yet, while Syria has today withdrawn its military forces from Lebanon, reports indicate that it has left behind a pro-Syrian intelligence structure within the Lebanese intelligence agencies. There are lots of spies, Syrian spies, still in Lebanon and lots of Syrian nationals still in Lebanon trying to control things. These people must leave, as well, and the sooner the better.

And it must be pointed out, Mr. Speaker, that not all parts of Security Resolution 1559 have been implemented. Hezbollah, the terrorist organization which receives support from Iran and Syria, remains armed to the teeth and occupies much of southern Lebanon. As Hezbollah has not given up its weaponry and its intent to maintain a military answer to the political questions of the Middle East, Hezbollah must remain completely isolated by the international community.

Earlier this year, the House passed a resolution urging the European Union to put Hezbollah on its terrorist list. As we consider this resolution today, let us renew that call. Hezbollah is a terrorist organization.

Finally, all political prisoners and the "disappeared" must be released and returned to their families. They are still existing in Lebanon, and we must get to the bottom of the disappeared people as well.

Today, the United States must stand for the same basic values in Lebanon to which we adhere at home and around the world.

Mr. Speaker, Lebanon is scheduled to hold elections on May 29, this Saturday. As such, Congress stands with the Lebanese people as they proceed to restore democracy in their once again sovereign nation. It is our hope that the upcoming elections will be free, fair, transparent, and in accordance with all relevant international standards on elections.

However, I must express one note of concern about the elections. The electoral districts in which Lebanese candidates for parliament run later this week were drawn in accordance with the 2000 electoral law, which was written by the Syrian-dominated regime during the occupation. I am concerned

that this has deprived many Lebanese from true representation as the districts were apparently drawn unfairly, packing certain groups of people into some districts while underrepresenting others. However, once these elections are completed, the United States should help the people of Lebanon in their efforts to restore the separation of powers, the rule of law, the changing of these districts, and the proper respect for fundamental freedoms of every citizen. As goes the rule of law in Lebanon and the respect for individuals, so goes the nation.

Mr. Speaker, as the sponsor, with the gentlewoman from Florida (Ms. ROS-LEHTINEN), of the Syria Accountability Act, it is an honor to be on the floor today in support of this important resolution, and I strongly urge a "yes" vote.

Mr. LANTOS. Mr. Speaker, next Sunday the people of Lebanon will go to the polls to start a series of parliamentary elections that will play out over the next four weeks. This resolution expresses Congress's ongoing concern that the Lebanese people be allowed to choose their own leaders freely and fairly, in light of the recent withdrawal from Lebanon of all Syrian security forces and intelligence officials, which is not yet verifiably complete. I commend our colleague Ms. ROS-LEHTINEN for bringing these important issues before us.

Mr. Speaker, freedom-loving people everywhere cheered earlier this year as the Lebanese people defied the odds, spurred on by the assassination of former prime minister Rafik Hariri, and peacefully rose up and forced the caretaker government to step down, letting key exile leaders return, and leading to the expelling of nearly all of Syria's uninformed forces from long-occupied Lebanese soil. We all hope that there will continue to be a peaceful transition to sovereign, democratic rule in Lebanon.

Sadly, the upcoming elections saw their first casualty this weekend, when adherents of rival parties clashed in the region of Metn. Government soldiers were summoned to disperse the crowds, and as they did so, one man was shot and killed. It was a somber reminder of how volatile the situation surrounding the elections can be.

Political rivalries, particularly between pro-Syrian factions and those who seek to continue reforms, threaten to further destabilize the electoral process in Lebanon; some have already threatened to boycott, which could undermine the legitimacy of the process. And the elections will be conducted according to a law passed under full Syrian occupation five years ago, which could stack the deck in favor of the Syrian elements, particularly Hezbollah. Let us hope that the wisdom of the Lebanese people, displayed in vast numbers, will over-ride the structural deficiencies of the law.

Mr. Speaker, I fully endorse this resolution's advocacy of U.S. assistance to help Lebanon restore democratic rule, including the separation of powers, the rule of law, and respect for fundamental freedoms. It is undeniably in our interest to support this process, as the flourishing of democracy in Lebanon will no doubt have a multiplier effect throughout the region.

Jordan's King Abdullah, speaking this weekend at the World Economic Forum meeting, said that this is a time for positive political re-

form in the Middle East, but it is Arabs themselves who need to develop it.

"Never has there been a greater sense of agreement that the future is in our hands," King Abdullah said. "Today, positive change is in the air across the region. It is an effort for the whole Middle East to create its own positive change. That demands a real-world process, specific steps that can be implemented by regional governments and civil society."

Mr. Speaker, one such specific step for Lebanon will be to fulfill its obligations under U.N. Security Council Resolution 1559, especially the requirement that all militias, including Hezbollah, be disarmed and disbanded. We will expect the Lebanese Armed Forces to put an immediate halt to the flow of arms across the Syrian border to Hezbollah as a first step.

Four years ago I sponsored legislation passed by the Congress that made a portion of U.S. aid to Lebanon contingent upon Lebanon's taking control of all of its borders. I do not intend to introduce a similar resolution at this moment, as I am hopeful that the new Lebanese government, once it gains its footing, will take the necessary actions to demonstrate its adherence to all aspects of U.N. Security Council Resolution 1559—the resolution that made possible Lebanon's rebirth as a nation.

But I will remain seized with these issues regarding Lebanon's borders and Hezbollah—and, in the near future, I will introduce a resolution that I hope will demonstrate that Congress shares these concerns. The stability of the entire region depends on an end to militia rule in Lebanon and full implementation of Lebanese sovereignty throughout that country and along all of its borders.

The resolution before us, Mr. Speaker, focuses on certain crucial ingredients of Lebanese sovereignty—the withdrawal of Syrian troops and the holding of free and fair elections. This is an important resolution. I support it, and I urge all of my colleagues to do likewise.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today as a long time supporter of free and fair democratic elections in the Middle East and throughout the world. Clearly, I am in support of free and fair democratic elections in Lebanon, every human being deserves the right to choose their leaders without the fear of persecution and retribution. I stand firmly in favor of honoring the voice of the Lebanese people, who have clearly called for democratic reform. I can not deny that Syria has had a long mixed history in Lebanon, clearly the will of the Lebanese people dictated it was time for the Syrian forces to leave. However, I do not believe complete condemnation of the nation of Syria will yield the results we seek. We must continue to push for completely free and fair elections in Lebanon, but I feel that we must engage Syria in a dialogue instead of turning a cold shoulder to them.

I fully support the idea that Syria should complete its withdrawal of all remaining intelligence and security forces from the Lebanese Republic in accordance with United Nations Security Council Resolution 1559. However, I do not believe we should condemn Syria for their relationship with Lebanon, but we must now engage in an examination to determine if the current relationship between Syria and Lebanon can now be improved. We must seek



to build relationships in the Middle East as opposed to tearing them down. Our goal is to establish greater stability and a more free society in the Middle East; to accomplish these lofty goals we must press forward with new initiatives as opposed to complete condemnations. Therefore, we must push for international election monitors in Lebanon so that free, fair, and transparent elections can be held on May 29, 2005, in accordance with all international standards and agreements. We must ensure that no outside nation or entity has undue influence on these elections, which should be determined only by the will of the Lebanese people.

I am in support of H. Res. 273 because the ideal of free and fair elections can not be questioned, especially when sanctioned by international law. However, I do hope the sponsors and supporters of this resolution will try to use this as an opportunity to open relations with Syria instead of further closing them. If we are to have true success in the Middle East we must ensure that we reach out to every nation in the region and its people, otherwise we are only cheating ourselves of a historic prospect for peace.

Mr. ENGEL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 273, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Resolution recognizing the courageous efforts of the people of Lebanon to restore their independence and urging the withdrawal of all Syrian forces from Lebanon, the support for free and fair democratic elections in Lebanon, and the development of democratic institutions and safeguards to foster sovereign democratic rule in Lebanon.".

A motion to reconsider was laid on the table.

#### WELCOMING HAMID KARZAI AND SUPPORTING STRONG AND ENDURING STRATEGIC PARTNERSHIP BETWEEN UNITED STATES AND AFGHANISTAN

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 153) welcoming His Excellency Hamid Karzai, the President of Afghanistan, on the occasion of his visit to the United States in May 2005 and expressing support for a strong and enduring strategic partnership between the United States and Afghanistan.

The Clerk read as follows:

H. CON. RES. 153

Whereas Afghanistan, a great nation located at the crossroads of many civiliza-

tions, has suffered the ravages of war, foreign intervention, occupation, and oppression;

Whereas the Afghan people courageously resisted the decade-long occupation of their country by the former Soviet Union, forcing a Soviet withdrawal in 1989 and thereby contributing to the end of the Cold War;

Whereas following the Soviet withdrawal, Afghanistan went through a period of chaos and conflict, exacerbated by insufficient attention from the international community, during which time the Taliban militia seized control of much of the country and provided a base of operations to Al Qaeda and other terrorist elements;

Whereas following the terrorist attacks of September 11, 2001, the United States launched Operation Enduring Freedom, liberating the Afghan people from tyranny, transforming Afghanistan from a haven for terrorists into a strategic partner in the struggle against international terrorism, and helping Afghans build a democratic government;

Whereas the Afghan Constitution, drafted by a broadly representative Loya Jirga, or Grand Council, and enacted on January 4, 2004, provides for equal rights for and full participation of women, mandates full compliance with international norms for human and civil rights, establishes procedures for free and fair elections, creates a system of checks and balances between the executive, legislative and judicial branches, encourages a free market economy and private enterprise, and obligates the state to prevent all types of terrorist activity and the production and trafficking of narcotics;

Whereas more than 10.5 million Afghan men and women voted in national presidential elections in October 2004, demonstrating commitment to democracy, courage in the face of threats of violence, and a deep sense of civic responsibility;

Whereas Hamid Karzai, formerly the interim President, was elected to a five-year term as Afghanistan's first democratically-elected President in the country's history;

Whereas nationwide parliamentary elections are planned for September 18, 2005, and further demonstrate the Afghan Government's commitment to adhere to democratic norms;

Whereas the Government of Afghanistan has demonstrated a firm commitment to halting the cultivation and trafficking of narcotics and has cooperated fully with the United States and its allies on a wide range of counter-narcotics initiatives;

Whereas in addition to military and law enforcement operations, President Karzai welcomes the United States and the international community to assist Afghanistan's counter-narcotics campaign by supporting programs to provide alternative livelihoods for farmers, sustained economic development, and governmental and security capacity building;

Whereas recognizing that long-term political stability requires sustained economic security, Afghanistan is striving to create an economic base to provide meaningful livelihoods for all of its people, and the United States has a cooperative interest in helping Afghanistan achieve this goal;

Whereas section 101(1) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7511(1)) declares that the "United States and the international community should support efforts that advance the development of democratic civil authorities and institutions in Afghanistan and the establishment of a new broad-based, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan";

Whereas on June 15, 2004, during President Karzai's visit to the United States, President

George W. Bush stated: "Afghanistan's journey to democracy and peace deserves the support and respect of every nation. . . . The world and the United States stand with [the people of Afghanistan] as partners in their quest for peace and prosperity and stability and democracy.";

Whereas on June 15, 2004, in his address to a joint meeting of Congress, President Karzai stated: "We must build a partnership that will consolidate our achievements and enhance stability, prosperity and democracy in Afghanistan and in the region. This requires sustaining and accelerating the reconstruction of Afghanistan, through long-term commitment. . . . We must enhance our strategic partnership. The security of our two nations are intertwined.";

Whereas on April 13, 2005, while receiving the visiting United States Secretary of Defense, Donald Rumsfeld, President Karzai, in expressing the desire of the Afghan people for a long-term strategic partnership with the United States, stated: "They want this relationship to be a wholesome one, including a sustained economic relationship, a political relationship, and most important of all, a strategic security relationship that would enable Afghanistan to defend itself, to continue to prosper, to stop interferences, the possibility of interferences in Afghanistan.";

Whereas the people of the United States, and their elected representatives, are honored to welcome President Karzai back to the United States in May 2005 on a visit that will further advance the close partnership between the United States and Afghanistan: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That—*

(1) Congress welcomes the first democratically-elected President of Afghanistan, His Excellency Hamid Karzai, as an honored guest and valued friend upon his visit to the United States in May 2005; and

(2) it is the sense of Congress that—

(A) a democratic, stable, and prosperous Afghanistan is a vital security interest of the United States; and

(B) a strong and enduring strategic partnership between the United States and Afghanistan should continue to be a primary objective of both countries to advance a shared vision of peace, freedom, security, and broad-based economic development between the two countries and throughout the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

#### GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

It is a pleasure to welcome His Excellency Hamid Karzai, the President of Afghanistan, to the United States and

to underscore the growing and strong friendship between our two nations.

As we continue to lead the fight against the forces of terror and oppression, we are joined by courageous leaders such as President Karzai, and we are motivated and strengthened by the strong will of the Afghan people, who experienced, firsthand, what it is to live under these dual threats.

Despite the Taliban's brutality and intolerable injustices that comprise the Taliban's legacy, their removal from power has generated clear and evident signs that the future of Afghanistan holds great promise. Millions of Afghans, once oppressed by the Taliban's terrorist regime, cast their ballots in their country's free elections in October of 2004 and elected Hamid Karzai as their leader.

A defender of freedom, President Karzai has worked tirelessly to unite and rebuild Afghanistan during this time of transition and has strived to bring security and stability while working to improve daily life.

Afghanistan has made great strides with respect to democracy, to reform, and to political openness. The women of Afghanistan, once forced to live as subhumans under a shroud that served as both a physical and symbolic instrument of the Taliban's oppression, are now vibrant and active participants in Afghan society. Afghans enjoy restored liberties and opportunities that were unheard of in recent memory. Schools have been reopened. A new banking law is in place. Businesses are blossoming around the country. But most importantly, there is hope for a better future.

The United States has stood by the Afghanistan dilemma during this critical time. We have stood by the Afghan people, helping them with the construction of centers for women, schools, building up their infrastructure, providing assistance to promote political participation, and to improve human rights for all. The United States must continue to fulfill its role as a friend to Afghanistan by providing resources and expertise and assistance to the people and the government of Afghanistan as they struggle to reconstruct themselves socially, economically, and politically.

I, therefore, Mr. Speaker, urge my colleagues to support this important resolution and clearly demonstrate to the people and the Government of Afghanistan that the United States stands firmly with them.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution.

Mr. Speaker, I, first, again would like to commend the gentlewoman from Florida (Ms. ROS-LEHTINEN), my good friend, and the gentleman from New York (Mr. ACKERMAN), the Chair and ranking member of the Middle East and Central Asia Subcommittee, for introducing this important resolution.

□ 1700

Mr. Speaker, Afghanistan has made real progress toward becoming a stable, peaceful, and democratic state. The Taliban has been forced from power. The presidential election last October was an unqualified success with a massive turnout among men and women in defiance of Taliban threats, and progress has been made in restoring the basic human rights of Afghan women.

Before we even heard about the Taliban, Mr. Speaker, I was talking about them when they were in control when they were denying religious freedom to Hindus and others and talking about some of their despicable acts which, unfortunately, the world had then come to know.

But even today, Afghanistan is far from out of the woods. The Taliban and al Qaeda remnants have used recent events to further their agenda of undermining the peace and stability that President Karzai aims to bring to Afghanistan and its people. Progress in reconstruction and development, which is crucial to bringing economic opportunity and hope to millions, is painfully slow. But the biggest obstacle to democracy and development is the unprecedented scale of opium cultivation and narco-trafficking.

Mr. Speaker, in the face of these obstacles, President Karzai has remained steadfast and determined to bring democracy, prosperity, and security to the people of Afghanistan; and the United States must help President Karzai achieve this goal.

This resolution welcomes President Karzai upon his visit to the United States this week and recognizes that a democratic, stable, and prosperous Afghanistan is a vital national security interest of the United States. The resolution wisely states that a strong and enduring partnership between our two countries must remain a primary objective.

President Bush met today with President Karzai in the Oval Office. I am sure the President continued to offer the strong support of the American people to President Karzai. It is my hope that President Karzai offered his thoughts on how efforts against illegal drugs can and will be intensified.

Mr. Speaker, we cannot allow Afghanistan to lapse into chaos, war, and ruin once again. The United States must demonstrate its long-term commitment to a strong and enduring partnership with Afghanistan. President Karzai is Afghanistan's best chance at achieving peace, and we must do everything to help him realize this goal.

I had the pleasure of meeting President Karzai when he was last in town and met with members of the Committee on International Relations, and I must also add on a personal note that a very good friend of mine is a first cousin of his, so he does have strong family ties to the United States as well.

Mr. Speaker, I urge my colleagues to support this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today as a proud cosponsor of H. Con. Res. 153, which welcomes His Excellency Hamid Karzai, the President of Afghanistan, on the occasion of his visit to the United States in May 2005 and expresses support for a strong and enduring strategic partnership between the United States and Afghanistan. As the Co-Chair for the Congressional Afghan Caucus along with my colleague Chairman NEY, I am proud to welcome President Karzai back to the United States. I want to thank my colleague Ms. Ros-Lehtinen for introducing this appropriate concurrent resolution.

While there will be those who have the view that the war in Afghanistan is over and we should shift our view, the truth is that Afghanistan is as vital to our nation now as it was shortly after September 11th. Operation Enduring Freedom was a success in removing the Taliban leadership and giving the Afghan people new hope, however our work there is far from done. We must ensure that Afghanistan has a bright and productive future ahead of itself, in which peace and prosperity, will be possible. We can not make the same mistake we made in Afghanistan after the conclusion of the Cold War. The brave Afghan warriors defeated the Red Army, stopping them from completing another brutal assault upon an innocent nation. However, we rewarded their bravery by ignoring Afghanistan and allowing it to be a place where extremists like the Taliban and Al Qaeda could take refuge and indeed have sanctuary to build upon. We can not allow ourselves to make that same mistake again, we must show the Afghan people that we stand with them even after our own short term interests have been fulfilled. I have traveled to Afghanistan on a couple different occasions and I have seen the faces of the Afghan people and I know they are ready to embrace us, if only we can really support them for the long term.

I want to applaud President Karzai; he is a man of courage and vision. More than 10.5 million Afghan men and women voted in national presidential elections in October 2004, again giving credence to the fact that they have embraced democratic reform. The Afghan people have chosen Hamid Karzai, formerly the interim President, for a five-year term as Afghanistan's first democratically-elected President. I congratulate President Karzai for this victory, his job has not been easy and surely there were few who would have been willing to assume the burden of leadership that he did. His goals and aspirations will be for the long term health and security of Afghanistan and to get to that point he needs and deserves the full support of our nation.

Again, let me welcome President Karzai back to the United States, I stand among many Members who admire his will and resolve on behalf of his people. His accomplishments despite all the obstacles are certainly praiseworthy and deserving of recognition from the United States Congress. Let us all hope that this pattern of progress and success continues for President Karzai and Afghanistan as we move forward.

Mr. ENGEL. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 153.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### RECOGNIZING THE COAST GUARD, COAST GUARD AUXILIARY AND NATIONAL SAFE BOATING COUNCIL FOR THEIR EFFORTS TO PROMOTE NATIONAL SAFE BOATING WEEK

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 243) recognizing the Coast Guard, the Coast Guard Auxiliary and the National Safe Boating Council for their efforts to promote National Safe Boating Week.

The Clerk read as follows:

#### H. RES. 243

Whereas recreational boating is one of our Nation's most popular pastimes, with an estimated 78,000,000 recreational boaters in the United States and nearly 13,000,000 recreational vessels registered;

Whereas the number of recreational boating fatalities has declined by more than half since 1970, thanks to the increased use of life jackets, cooperative boating safety education, enforcement efforts between the Coast Guard and State governments, and safer vessels and equipment manufactured in accordance with Coast Guard standards;

Whereas recreational boating accidents have nevertheless claimed the lives of 703 Americans in 2003, more than half of whose lives could have been saved with the proper use of a personal flotation device;

Whereas a continued emphasis on accident prevention can reduce recreational boating fatalities still further, and in particular deaths by drowning, which remain the leading cause of recreational boating fatalities; and

Whereas the National Safe Boating Council, with the support of the Coast Guard and the Coast Guard Auxiliary, has proposed designating the week of May 21 through 27, 2005, as National Safe Boating Week: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports initiatives for recreational boating safety education and accident prevention to minimize the number of annual recreational boating fatalities;

(2) recognizes the Coast Guard, the Coast Guard Auxiliary, and the National Safe Boating Council for their efforts each year during May to highlight the importance of safe recreational boating; and

(3) supports the goals of National Safe Boating Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 243 was introduced by my colleagues, the gentleman from Tennessee (Mr. COOPER) and the gentleman from Florida (Mr. SHAW), and recognizes the work of the Coast Guard, the Coast Guard Auxiliary, and the National Safe Boating Council in promoting boat safety.

I represent a district in which recreational boating plays a huge role in the lives of many of my constituents. Sailors, waters sports enthusiasts, and fishermen enjoy recreational boating on the Chesapeake Bay and the ocean side of my district.

Recreational boating is one of the Nation's most popular pastimes, and while the number of recreational boating fatalities has declined by more than half since 1970, many lives are still lost each year. More than half of these lives could be saved with the proper use of boating safety equipment. This resolution highlights the importance of safe recreational boating, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, represent an area where boating is a very important recreational activity, representing San Diego, California, with its wonderful bay, Mission Bay Park, and, of course, the Pacific Ocean, all as places where tens of thousands of people do their recreation; so I also support House Resolution 243.

This is National Safe Boating Week. Over 70 million people this year will participate in recreational boating activities in the United States. Unfortunately, about 700 of them will die from boating accidents. National Safe Boating Week is always the week before the Memorial day weekend, the start of the summer boating season. The goal this week is to educate the public about what they can do to enjoy our Nation's waters in a safe manner. In my State of California, two-thirds of the deaths from recreational boating accidents will occur during these summers months.

Mr. Speaker, safe boating begins before you even step in a boat by planning your trip and being safety conscious. The most important thing a boater can do to save their life is to wear a life jacket. That sounds simple; but in 2003, 416 boaters were drowned while not wearing their life jackets. Today there are Coast Guard-approved life jackets that are inflatable so you can easily sail and still be safe.

Just as in driving a car, alcohol and boating do not mix. Do not drink and drive in a boat.

Today there are over 17 million boats in our Nation's waterways. It is getting crowded, so everybody should know and follow the nautical rules of the road. If you are in a small boat, do not stand up. You could flip your boat, sending you and your family into the water.

Mr. Speaker, these are simple, but they are a few of the basic tips that

people should follow to have a safe and enjoyable time when they are boating.

The Coast Guard, the Coast Guard Auxiliary, and the National Safe Boating Council have boating safety education programs to help everyone learn how to boat safely. I encourage everyone to take advantage of these courses. If you follow their simple guidelines, you can have a fun and relaxing time while being as safe as possible.

Mr. Speaker, I strongly urge my colleagues to join us in support of House Resolution 243.

Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman for sponsoring this piece of legislation as well. I would like to reiterate some of the comments that the gentleman made about boat safety, and that is when you get in a boat, it is like getting in a car. Do not drink and drive; do not drink and boat. Snap your safety belt in the car; put your life jacket on in the boat. Respect the people in your boat and respect other people in their boats; and respect the ecosystem that you are now treading on.

When you go out in a boat, enjoy yourself, enjoy the people that you are around, and enjoy the pristine nature of that particular environment. Boat Safety Week hopes to motivate people to understand the nature of their responsibility when they step in a boat, whether it is one with a big, powerful engine; whether it is a small motor boat; or I would recommend you try a kayak and canoe.

Of course, wear your life jacket regardless, respect yourself, respect your passengers, respect other boaters, and respect the pristine nature of the water.

Mr. BISHOP of New York. Mr. Speaker, I rise in strong support of H. Res. 243, a bill recognizing the Coast guard, the Coast Guard Auxiliary, and the National Safe Boating Council for their efforts to promote National Safe Boating Week.

In my district on Eastern Long Island, water safety is of paramount concern to residents, vacationers, and the tourism industry—one of the most important contributing elements of the local economy, which includes pleasure and commercial boating.

I commend the men and women of the Coast Guard, the Coast Guard Auxiliary and the National Safe Boating Council for their steadfast dedication to protecting boaters throughout the country. As we approach Memorial Day, kicking off the summer, we recognize National Safe Boating Week to encourage American boaters to be safe on the water and to promote the use of personal flotation devices (PFDs).

It is important to highlight the progress made to safeguard boating enthusiasts in recent years, particularly with more than 13 million watercraft registered in the U.S., a number that continues to skyrocket. Even with the ever-increasing number of people enjoying the water, there are fewer fatalities on the sea. This is in no small part due to the diligence of

hard-working groups like the National Safe Boating Council and the selfless, intrepid men and women of the Coast Guard.

As vacationers throughout the country head for the coasts, it is our responsibility to encourage caution. I echo the National Safe Boating Council's important message urging all Americans to be safe on the water while they enjoy their family vacations this summer.

Mr. GILCHREST. Mr. Speaker, I have no further speakers, I yield back the balance of my time, and urge the adoption of this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and agree to the resolution, H. Res. 243.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 243.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### BUSINESS CHECKING FREEDOM ACT OF 2005

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1224) to repeal the prohibition on the payment of interest on demand deposits, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1224

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Business Checking Freedom Act of 2005".

##### SEC. 2. INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED FOR ALL BUSINESSES.

(a) DAILY TRANSFERS ALLOWED INTO DEMAND DEPOSIT ACCOUNTS.—Section 2 of Public Law 93-100 (12 U.S.C. 1832) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the following:

“(b) TRANSFERS.—Notwithstanding any other provision of law, any depository institution, other than a nonqualified industrial loan company, may permit the owner of any deposit or account which is a deposit or account on which interest or dividends are paid and is not a deposit or account described in subsection (a)(2) to make up to 24 transfers per month (or such greater number as the Board of Governors of the Federal Reserve System may determine by rule or order), for any purpose, to another account of the owner in the same institution. An account offered pursuant to this subsection shall be consid-

ered a transaction account for purposes of section 19 of the Federal Reserve Act unless the Board of Governors of the Federal Reserve System determines otherwise.”; and

(3) by adding at the end of subsection (a) the following new paragraph:

“(3) NONQUALIFIED INDUSTRIAL LOAN COMPANIES.—

“(A) DEFINITION.—For purposes of this section, the term ‘nonqualified industrial loan company’ means any industrial loan company, industrial bank, or other institution described in section 2(c)(2)(H) of the Bank Holding Company Act of 1956 that is determined by an appropriate State bank supervisor (as defined in section 3 of the Federal Deposit Insurance Act) to be controlled, directly or indirectly, by a commercial firm.

“(B) COMMERCIAL FIRM DEFINED.—For purposes of this paragraph, the term ‘commercial firm’ means any entity at least 15 percent of the annual gross revenues of which on a consolidated basis, including all affiliates of the entity, were derived from engaging, on an on-going basis, in activities that are not financial in nature or incidental to a financial activity during at least 3 of the prior 4 calendar quarters.

“(C) GRANDFATHERED INSTITUTIONS.—The term ‘nonqualified industrial loan company’ does not include any industrial loan company, industrial bank, or other institution described in section 2(c)(2)(H) of the Bank Holding Company Act of 1956—

“(i) which became an insured depository institution before October 1, 2003, or pursuant to an application for deposit insurance which was approved by the Federal Deposit Insurance Corporation before such date; and

“(ii) with respect to which there is no change in control, directly or indirectly, of the company, bank, or institution after September 30, 2003, that requires an application under section 7(j) or 18(c) of the Federal Deposit Insurance Act, section 3 of the Bank Holding Company Act of 1956, or section 10 of the Home Owners’ Loan Act.”.

(b) INTEREST ON BUSINESS NOW ACCOUNTS.—(1) IN GENERAL.—Section 2(a) of Public Law 93-100 (12 U.S.C. 1832(a)) is amended—

(A) by striking paragraph (2) and inserting the following new paragraph:

“(2) PAYMENT OF INTEREST ON CERTAIN NOW ACCOUNTS.—An industrial loan company, industrial bank, or other institution described in section 2(c)(2)(H) of the Bank Holding Company Act of 1956 may not pay interest on any deposit or account of a corporation, business partnership, or other business entity from which funds may be withdrawn by negotiable instrument for payment to third parties, unless the appropriate State bank supervisor (as defined in section 3 of the Federal Deposit Insurance Act) of such company, bank, or institution determines that such company, bank, or institution is not a nonqualified industrial loan company.”; and

(B) by adding at the end the following new paragraph:

“(4) RULE OF CONSTRUCTION RELATING TO DEMAND DEPOSITS.—No provision of this section may be construed as conferring the authority to offer demand deposit accounts to any institution that is prohibited by law from offering demand deposit accounts.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 2(b) of Public Law 93-100 (12 U.S.C. 1832(b)) (as added by subsection (a)(2) of this section) is amended by striking “and is not a deposit or account described in subsection (a)(2)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect at the end of the 2-year period beginning on the date of the enactment of this Act.

##### SEC. 3. INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED.

(a) REPEAL OF PROHIBITION ON PAYMENT OF INTEREST ON DEMAND DEPOSITS.—

(1) FEDERAL RESERVE ACT.—Section 19(i) of the Federal Reserve Act (12 U.S.C. 371a) is amended to read as follows:

“(i) [Repealed].”.

(2) HOME OWNERS’ LOAN ACT.—The first sentence of section 5(b)(1)(B) of the Home Owners’ Loan Act (12 U.S.C. 1464(b)(1)(B)) is amended by striking “savings association may not—” and all that follows through “(ii) permit any” and inserting “savings association may not permit any”.

(3) FEDERAL DEPOSIT INSURANCE ACT.—Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows:

“(g) [Repealed].”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect at the end of the 2-year period beginning on the date of the enactment of this Act.

##### SEC. 4. PAYMENT OF INTEREST ON RESERVES AT FEDERAL RESERVE BANKS.

(a) IN GENERAL.—Section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) is amended by adding at the end the following new paragraph:

“(12) EARNINGS ON RESERVES.—

“(A) IN GENERAL.—Balances maintained at a Federal reserve bank by or on behalf of a depository institution may receive earnings to be paid by the Federal reserve bank at least once each calendar quarter at a rate or rates not to exceed the general level of short-term interest rates.

“(B) REGULATIONS RELATING TO PAYMENTS AND DISTRIBUTION.—The Board may prescribe regulations concerning—

“(i) the payment of earnings in accordance with this paragraph;

“(ii) the distribution of such earnings to the depository institutions which maintain balances at such banks or on whose behalf such balances are maintained; and

“(iii) the responsibilities of depository institutions, Federal home loan banks, and the National Credit Union Administration Central Liquidity Facility with respect to the crediting and distribution of earnings attributable to balances maintained, in accordance with subsection (c)(1)(A), in a Federal reserve bank by any such entity on behalf of depository institutions.

“(C) DEPOSITORY INSTITUTIONS DEFINED.—For purposes of this paragraph, the term ‘depository institution’, in addition to the institutions described in paragraph (1)(A), includes any trust company, corporation organized under section 25A or having an agreement with the Board under section 25, or any branch or agency of a foreign bank (as defined in section 1(b) of the International Banking Act of 1978).”.

(b) AUTHORIZATION FOR PASS THROUGH RESERVES FOR MEMBER BANKS.—Section 19(c)(1)(B) of the Federal Reserve Act (12 U.S.C. 461(c)(1)(B)) is amended by striking “which is not a member bank”.

(c) CONSUMER BANKING COSTS ASSESSMENT.—

(1) IN GENERAL.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended—

(A) by redesignating sections 30 and 31 as sections 31 and 32, respectively; and

(B) by inserting after section 29 the following new section:

##### “SEC. 30. SURVEY OF BANK FEES AND SERVICES.

“(a) ANNUAL SURVEY REQUIRED.—The Board of Governors of the Federal Reserve System shall obtain annually a sample, which is representative by type and size of the institution (including small institutions) and geographic location, of the following retail banking services and products provided

by insured depository institutions and insured credit unions (along with related fees and minimum balances):

“(1) Checking and other transaction accounts.

“(2) Negotiable order of withdrawal and savings accounts.

“(3) Automated teller machine transactions.

“(4) Other electronic transactions.

“(b) MINIMUM SURVEY REQUIREMENT.—The annual survey described in subsection (a) shall meet the following minimum requirements:

“(1) CHECKING AND OTHER TRANSACTION ACCOUNTS.—Data on checking and transaction accounts shall include, at a minimum, the following:

“(A) Monthly and annual fees and minimum balances to avoid such fees.

“(B) Minimum opening balances.

“(C) Check processing fees.

“(D) Check printing fees.

“(E) Balance inquiry fees.

“(F) Fees imposed for using a teller or other institution employee.

“(G) Stop payment order fees.

“(H) Nonsufficient fund fees.

“(I) Overdraft fees.

“(J) Fees imposed in connection with bounced-check protection and overdraft protection programs.

“(K) Deposit items returned fees.

“(L) Availability of no-cost or low-cost accounts for consumers who maintain low balances.

“(2) NEGOTIABLE ORDER OF WITHDRAWAL ACCOUNTS AND SAVINGS ACCOUNTS.—Data on negotiable order of withdrawal accounts and savings accounts shall include, at a minimum, the following:

“(A) Monthly and annual fees and minimum balances to avoid such fees.

“(B) Minimum opening balances.

“(C) Rate at which interest is paid to consumers.

“(D) Check processing fees for negotiable order of withdrawal accounts.

“(E) Fees imposed for using a teller or other institution employee.

“(F) Availability of no-cost or low-cost accounts for consumers who maintain low balances.

“(3) AUTOMATED TELLER TRANSACTIONS.—Data on automated teller machine transactions shall include, at a minimum, the following:

“(A) Monthly and annual fees.

“(B) Card fees.

“(C) Fees charged to customers for withdrawals, deposits, and balance inquiries through institution-owned machines.

“(D) Fees charged to customers for withdrawals, deposits, and balance inquiries through machines owned by others.

“(E) Fees charged to noncustomers for withdrawals, deposits, and balance inquiries through institution-owned machines.

“(F) Point-of-sale transaction fees.

“(4) OTHER ELECTRONIC TRANSACTIONS.—Data on other electronic transactions shall include, at a minimum, the following:

“(A) Wire transfer fees.

“(B) Fees related to payments made over the Internet or through other electronic means.

“(5) OTHER FEES AND CHARGES.—Data on any other fees and charges that the Board of Governors of the Federal Reserve System determines to be appropriate to meet the purposes of this section.

“(6) FEDERAL RESERVE BOARD AUTHORITY.—The Board of Governors of the Federal Reserve System may cease the collection of information with regard to any particular fee or charge specified in this subsection if the Board makes a determination that, on the basis of changing practices in the financial

services industry, the collection of such information is no longer necessary to accomplish the purposes of this section.

“(c) ANNUAL REPORT TO CONGRESS REQUIRED.—

“(1) PREPARATION.—The Board of Governors of the Federal Reserve System shall prepare a report of the results of each survey conducted pursuant to subsections (a) and (b) of this section and section 136(b)(1) of the Consumer Credit Protection Act.

“(2) CONTENTS OF THE REPORT.—In addition to the data required to be collected pursuant to subsections (a) and (b), each report prepared pursuant to paragraph (1) shall include a description of any discernible trend, in the Nation as a whole, in a representative sample of the 50 States (selected with due regard for regional differences), and in each consolidated metropolitan statistical area (as defined by the Director of the Office of Management and Budget), in the cost and availability of the retail banking services, including those described in subsections (a) and (b) (including related fees and minimum balances), that delineates differences between institutions on the basis of the type of institution and the size of the institution, between large and small institutions of the same type, and any engagement of the institution in multistate activity.

“(3) SUBMISSION TO CONGRESS.—The Board of Governors of the Federal Reserve System shall submit an annual report to the Congress not later than June 1, 2007, and not later than June 1 of each subsequent year.

“(d) DEFINITIONS.—For purposes of this section, the term ‘insured depository institution’ has the meaning given such term in section 3 of the Federal Deposit Insurance Act, and the term ‘insured credit union’ has the meaning given such term in section 101 of the Federal Credit Union Act.”.

(2) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Paragraph (1) of section 136(b) of the Truth in Lending Act (15 U.S.C. 1646(b)(1)) is amended to read as follows:

“(1) COLLECTION REQUIRED.—The Board shall collect, on a semiannual basis, from a broad sample of financial institutions which offer credit card services, credit card price and availability information including—

“(A) the information required to be disclosed under section 127(c) of this chapter;

“(B) the average total amount of finance charges paid by consumers; and

“(C) the following credit card rates and fees:

“(i) Application fees.

“(ii) Annual percentage rates for cash advances and balance transfers.

“(iii) Maximum annual percentage rate that may be charged when an account is in default.

“(iv) Fees for the use of convenience checks.

“(v) Fees for balance transfers.

“(vi) Fees for foreign currency conversions.”.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect on January 1, 2006.

(3) REPEAL OF OTHER REPORT PROVISIONS.—Section 1002 of Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and section 108 of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 are hereby repealed.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 19 of the Federal Reserve Act (12 U.S.C. 461) is amended—

(1) in subsection (b)(4) (12 U.S.C. 461(b)(4)), by striking subparagraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(2) in subsection (c)(1)(A) (12 U.S.C. 461(c)(1)(A)), by striking “subsection (b)(4)(C)” and inserting “subsection (b)”.

## SEC. 5. INCREASED FEDERAL RESERVE BOARD FLEXIBILITY IN SETTING RESERVE REQUIREMENTS.

Section 19(b)(2)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(2)(A)) is amended—

(1) in clause (i), by striking “the ratio of 3 per centum” and inserting “a ratio not greater than 3 percent (and which may be zero)”;

(2) in clause (ii), by striking “and not less than 8 per centum,” and inserting “(and which may be zero).”.

## SEC. 6. TRANSFER OF FEDERAL RESERVE SURPLUSES.

(a) IN GENERAL.—Section 7(b) of the Federal Reserve Act (12 U.S.C. 289(b)) is amended by adding at the end the following new paragraph:

“(4) ADDITIONAL TRANSFERS TO COVER INTEREST PAYMENTS FOR FISCAL YEARS 2005 THROUGH 2009.—

“(A) IN GENERAL.—In addition to the amounts required to be transferred from the surplus funds of the Federal reserve banks pursuant to subsection (a)(3), the Federal reserve banks shall transfer from such surplus funds to the Board of Governors of the Federal Reserve System for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury, such sums as are necessary to equal the net cost of section 19(b)(12) in each of the fiscal years 2005 through 2009.

“(B) ALLOCATION BY FEDERAL RESERVE BOARD.—Of the total amount required to be paid by the Federal reserve banks under subparagraph (A) for fiscal years 2005 through 2009, the Board of Governors of the Federal Reserve System shall determine the amount each such bank shall pay in such fiscal year.

“(C) REPLENISHMENT OF SURPLUS FUND PROHIBITED.—During fiscal years 2005 through 2009, no Federal reserve bank may replenish such bank's surplus fund by the amount of any transfer by such bank under subparagraph (A).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 7(a) of the Federal Reserve Act (12 U.S.C. 289(a)) is amended by adding at the end the following new paragraph:

“(3) PAYMENT TO TREASURY.—During fiscal years 2005 through 2009, any amount in the surplus fund of any Federal reserve bank in excess of the amount equal to 3 percent of the paid-in capital and surplus of the member banks of such bank shall be transferred to the Secretary of the Treasury for deposit in the general fund of the Treasury.”.

## SEC. 7. RULES OF CONSTRUCTION.

In the case of an escrow account maintained at a depository institution for the purpose of completing the settlement of a real estate transaction—

(1) the absorption, by the depository institution, of expenses incidental to providing a normal banking service with respect to such escrow account;

(2) the forbearance, by the depository institution, from charging a fee for providing any such banking function; and

(3) any benefit which may accrue to the holder or the beneficiary of such escrow account as a result of an action of the depository institution described in subparagraph (1) or (2) or similar in nature to such action, including any benefits which have been so determined by the appropriate Federal regulator, shall not be treated as the payment or receipt of interest for purposes of this Act and any provision of Public Law 93-100, the Federal Reserve Act, the Home Owners' Loan Act, or the Federal Deposit Insurance Act relating to the payment of interest on accounts or deposits at depository institutions. No provision of this Act shall be construed so as to require a depository institution that maintains an escrow account in connection

with a real estate transaction to pay interest on such escrow account or to prohibit such institution from paying interest on such escrow account. No provision of this Act shall be construed as preempting the provisions of law of any State dealing with the payment of interest on escrow accounts maintained in connection with real estate transactions.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

#### GENERAL LEAVE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1224, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for the fifth time in three Congresses, we are here to pass legislation to bring our banking system into the 21st century. Five times this House has passed this legislation to help our small businesses, only for it to fall in the other body. We come to the floor once again with a strong hope that the enactment of this bill will finally be enacted into law this Congress.

The Business Checking Freedom Act provides important benefits for our local small businesses and our financial system alike. First, it repeals an outdated law prohibiting banks from paying interest on business checking accounts. In our 21st century economy, no American should be losing the option of making money on their assets simply because they own a small business, yet our small business owners across the country are losing potential interest income on a daily basis until the Business Checking Freedom Act becomes law.

This legislation will allow banks to better meet the needs of their small business customers while providing a necessary phase-in period to protect existing business relationships from a sudden change, and it clarifies the treatment of escrow accounts maintained for the purpose of completing the settlement of real estate transactions, and that is not changed by this bill.

H.R. 1224 also gives the Federal Reserve the opportunity to pay interest on reserves that banks keep within the Federal Reserve system. Consumers and banks will be rewarded for saving and investment by this bill. The Federal Reserve strongly supports this change and a related change on reserve requirements to better enable banks to operate safely and soundly.

H.R. 1224 will once again ensure that banks can best meet the needs of their customers while increasing the safety

and soundness of our financial system. I urge all Members to join with me in passing this important bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur with the explanation given by the gentlewoman from New York, the major author of the bill. This House has previously passed the bill, and it did not emerge from the Senate. We hope that it does this year.

There were, if you go back 20 years or more, a number of restrictions on what various financial institutions can do. They have been outdated by technology, and passing this bill is one more step towards making sure that our financial institutions can in fact take full advantage of that.

There is one issue that is of some interest to many Members that I want to note. We have in some parts of the country institutions known as "industrial loan corporations" that have many of the functions of banks, but, unlike more traditional banks, have many of their assets in nonbanking activities. Hence the name "industrial loan corporation."

They have become somewhat controversial. The Federal Reserve system is very much unhappy with them. There have been other concerns about other entities getting into the banking business when they are primarily not banks, but doing this in various ways.

□ 1715

When the Congress passed the bill reorganizing the financial systems and removing a lot of the constraints on various financial institutions known as the Gramm-Leach-Bliley Act, it adopted a test that institutions had to be 85 percent financial in their total to get certain powers.

Working with the gentleman from Ohio (Mr. GILLMOR), I have put that formula into place, or the gentleman from Ohio (Mr. GILLMOR) and I together have, with the concurrence of most of the members of our committee, so that as we expand bank powers, whether it is for branching or, today, for interest on business checking or in other ways, we have maintained that principle that these new powers should only go to institutions that have an 85 percent financial entity.

This does not displace existing industrial loan corporations; indeed, it allows them to continue with whatever powers they get from the States where they are chartered, where they are State chartered, but it does say that as we expand banking powers, that expansion will be limited to institutions which would qualify under the 85-15 test.

That provision is in here, and with that provision and a couple of other minor changes, I think this is a piece of legislation that is very appropriate.

I would note that a question was raised about one aspect of it by people

interested in land title. My colleague, the gentleman from North Carolina (Mr. WATT) negotiated, I think, a very reasonable response to their question, and we now have a bill that I hope will pass overwhelmingly.

Mr. Speaker, I reserve the balance of my time.

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume.

I simply want to say that this bill is a bill that will encourage savings. It will also encourage the banks to keep more reserves at the Federal Reserve, which is a good thing for bank stability. We have passed this bill, as I said before, five times in the Congress. It is very important, I believe, to the small businesses of this Nation that this bill be passed today and that it get passed appropriately in the Senate.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

Mrs. KELLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 1224, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. KELLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SERVICEMEMBERS HEALTH INSURANCE PROTECTION ACT OF 2005

Mr. BOOZMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2046) to amend the Servicemembers Civil Relief Act to limit premium increases on reinstated health insurance on servicemembers who are released from active military service, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2046

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Servicemembers' Health Insurance Protection Act of 2005".*

#### SEC. 2. LIMITATION ON PREMIUM INCREASES FOR REINSTATED HEALTH INSURANCE OF SERVICEMEMBERS RELEASED FROM ACTIVE MILITARY SERVICE.

(a) **PREMIUM PROTECTION.**—Section 704 of the Servicemembers Civil Relief Act (50 U.S.C. App. 594) is amended by adding at the end the following new subsection:

“(e) **LIMITATION ON PREMIUM INCREASES.**—

“(1) **PREMIUM PROTECTION.**—The amount of the premium for health insurance coverage that was terminated by a servicemember and required to be reinstated under subsection (a) may not be



increased, for the balance of the period for which coverage would have been continued had the coverage not been terminated, to an amount greater than the amount chargeable for such coverage before the termination.

“(2) **INCREASES OF GENERAL APPLICABILITY NOT PRECLUDED.**—Paragraph (1) does not prevent an increase in premium to the extent of any general increase in the premiums charged by the carrier of the health care insurance for the same health insurance coverage for persons similarly covered by such insurance during the period between the termination and the reinstatement.”.

(b) **TECHNICAL AMENDMENT.**—Subsection (b)(3) of such section is amended by striking “if the” and inserting “in a case in which the”.

**SEC. 3. PRESERVATION OF EMPLOYER-SPONSORED HEALTH PLAN COVERAGE FOR CERTAIN RESERVE-COMPONENT MEMBERS WHO ACQUIRE TRICARE ELIGIBILITY.**

(a) **CONTINUATION OF COVERAGE.**—Subsection (a)(1) of section 4317 of title 38, United States Code, is amended by inserting after “by reason of service in the uniformed services,” the following: “or such person becomes eligible for medical and dental care under chapter 55 of title 10 by reason of subsection (d) of section 1074 of that title.”.

(b) **REINSTATEMENT OF COVERAGE.**—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by inserting after “by reason of service in the uniformed services,” the following: “or by reason of the person’s having become eligible for medical and dental care under chapter 55 of title 10 by reason of subsection (d) of section 1074 of that title.”; and

(B) by inserting “or eligibility” before the period at the end of the first sentence; and

(2) by adding at the end the following new paragraph:

“(3) In the case of a person whose coverage under a health plan is terminated by reason of the person having become eligible for medical and dental care under chapter 55 of title 10 by reason of subsection (d) of section 1074 of that title but who subsequently does not commence a period of active duty under the order to active duty that established such eligibility because the order is canceled before such active duty commences, the provisions of paragraph (1) relating to any exclusion or waiting period in connection with the reinstatement of coverage under a health plan shall apply to such person’s continued employment, upon the termination of such eligibility for medical and dental care under chapter 55 of title 10 that is incident to the cancellation of such order, in the same manner as if the person had become reemployed upon such termination of eligibility.”.

**SEC. 4. TECHNICAL CORRECTIONS TO VETERANS BENEFITS IMPROVEMENT ACT OF 2004.**

(a) **CORRECTIONS.**—Section 2101 of title 38, United States Code, as amended by section 401 of the Veterans Benefits Improvement Act of 2004 (Public Law 108-454; 118 Stat. 3614), is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) a new subsection (c) consisting of the text of subsection (c) of such section 2101 as in effect immediately before the enactment of such Act, modified—

(A) in paragraph (1)—

(i) in the first sentence, by striking “paragraph (1), (2), or (3)” and inserting “subparagraph (A), (B), (C), or (D) of paragraph (2)”;

(ii) in the second sentence, by striking “the second sentence” and inserting “paragraph (3)”;

(B) in paragraph (2)—

(i) in the first sentence, by striking “paragraph (1)” and inserting “paragraph (2)”;

(ii) in the second sentence, by striking “paragraph (2)” and inserting “paragraph (3)”;

(3) in subsection (a)(3), by striking “subsection (c)” in the matter preceding subparagraph (A) and inserting “subsection (d)”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as of December 10, 2004, as if enacted immediately after the enactment of the Veterans Benefits Improvement Act of 2004 on that date.

**SEC. 5. NOTIFICATION TO MEMBER’S SPOUSE OR NEXT OF KIN OF CERTAIN ELECTIONS UNDER SERVICEMEMBERS’ GROUP LIFE INSURANCE PROGRAM.**

(a) **REPEAL.**—Subsections (f) and (g) of section 1012 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, 2005 (Public Law 109-13), and the amendments made by those subsections, are repealed, and sections 1967 and 1970 of title 38, United States Code, shall be applied as if those subsections had not been enacted.

(b) **NOTIFICATION REQUIRED.**—Section 1967 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(f)(1)(A) Whenever a member who is eligible for insurance under this subchapter executes a life insurance option specified in subparagraph (B), the Secretary concerned shall notify the member’s spouse or, if the member is unmarried, the member’s next of kin, in writing, of the execution of that option.

“(B) A life insurance option referred to in subparagraph (A) is any of the following:

“(i) An election under subsection (a)(2)(A) not to be insured under this subchapter.

“(ii) An election under subsection (a)(3)(B) for insurance of the member in an amount that is less than the maximum amount provided under subsection (a)(3)(A)(i).

“(iii) An application under subsection (c) for insurance coverage under this subchapter or for a change in the amount of such insurance coverage.

“(iv) In the case of a married member, a designation under section 1970(a) of this title of any person other than the spouse or a child of the member as the beneficiary of the member for any amount of insurance under this subchapter.

“(2) Whenever an unmarried member who is eligible for insurance under this subchapter marries, the Secretary concerned shall notify the member’s spouse in writing as to whether the member is insured under this subchapter. In the case of a member who is so insured, the Secretary shall include with such notification—

“(A) if the member has made an election described in paragraph (1)(B)(ii), notice that the amount of such insurance is less than the maximum amount provided under subsection (a)(3)(A)(i); and

“(B) if the member has designated a beneficiary other than the spouse or a child of the member for any amount of such insurance, notice that such a designation has been made.

“(3)(A) Notification of a spouse under paragraph (1) or (2), or of any other person under paragraph (1), for purposes of this subsection shall consist of a good faith effort to provide information to the spouse or other person at the last address of the spouse or other person known to the Secretary concerned.

“(B) Failure to provide such notification, or to provide such notification in a timely manner, does not affect the validity of any life insurance option referred to in paragraph (1)(B).”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. BOOZMAN) and the gentlewoman from South Dakota (Ms. HERSETH) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2046, as amended, the Servicemembers’ Health Insurance

Protection Act of 2005, provides several improvements to the Servicemembers’ Civil Relief Act and the Uniformed Services Employment and Reemployment Rights Act.

Mr. Speaker, this is a bipartisan bill and was passed by unanimous consent in both the Subcommittee on Economic Opportunity and the full Committee on Veterans Affairs. I am delighted to bring this important piece of legislation before the House.

The bill has several components. Section 2 of the bill would amend section 704 of the Servicemembers Civil Relief Act, otherwise known as the SCRA, to limit premium increases on reinstated health insurance coverage of servicemembers who are released from active duty. Section 704 provides that a servicemember who is ordered to active duty is entitled, upon release, to reinstatement of any health insurance in effect on the day before actually beginning active duty.

This amendment would prohibit any increase in individual health insurance premiums from the period of time for which coverage would have been continued, had the coverage not been terminated due to military service. However, a health care insurance carrier would be allowed to increase the servicemember’s premium if the general premium increase was implemented for all persons similarly covered during the period between the termination and the reinstatement.

Section 704 of the SCRA currently contains no express provision regarding premium increases. This amendment to the SCRA would ensure that servicemembers are treated fairly upon reinstatement of their health insurance and are not discouraged by premium increases from exercising their reinstatement entitlement rights.

Section 3 of the bill would amend section 4317 of the Uniformed Services Employment and Reemployment Rights Act, better known as USERRA, to preserve employer-sponsored health plan reinstatement rights for certain Reservists who, prior to entering active duty, acquire TRICARE coverage under Title X. This TRICARE option only became available by an amendment to the TRICARE authority enacted in the National Defense Authorization Act for fiscal year 2004 on November 24, 2003.

Under existing law, an employer is only required to provide employees returning from active duty with the same employer-sponsored health benefits they had when they reported for active duty. Unless the employer voluntarily chooses to allow immediate reinstatement of coverage, an employee would be required to wait for the next open enrollment opportunity provided by the employer.

Section 3 would confirm the health insurance reinstatement rights under USERRA to the change in TRICARE. This amendment to section 4317 of USERRA would protect both employees who did not actually report because

of cancellation of active duty orders and employees who served a period of active duty.

Section 4 of the bill would make a technical correction to the Public Law 108-454 regarding the VA's adaptive housing grant program.

Finally, section 5 of the bill would make a correction to the servicemembers' group life insurance provisions of H.R. 1268 regarding spousal notification for servicemembers' elections of coverage and designation of beneficiaries.

Mr. Speaker, I reserve the balance of my time.

Ms. HERSETH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 2046, as amended, the Servicemembers' Health Insurance Protection Act of 2005.

I would like to thank the gentleman from Indiana (Chairman BUYER) and the gentleman from Illinois (Ranking Member EVANS) for their leadership on the full committee and for their good work in shepherding this bill to the floor today. I would also like to personally thank the gentleman from Arkansas (Chairman BOOZMAN) of the Subcommittee on Economic Opportunity for his steady bipartisan leadership on the subcommittee.

Mr. Speaker, I support this legislation and am an original cosponsor of the bill. This legislation is aimed at improving the quality of life of our servicemembers, veterans, and military families. It is very important for the increasingly activated National Guard and Reserve components, our citizen-soldiers who leave behind their families, employment, and comforts of home to defend this Nation.

The State of South Dakota has had and continues to have National Guard units activated and serving in the Middle East. This legislation will protect them and their families as they return home to civilian life and seek to reinstate their private or employer-sponsored health insurance coverage.

Mr. Speaker, this legislation also includes two corrective provisions, as the gentleman from Arkansas (Chairman BOOZMAN) described, which amend and improve the administration of the disabled veteran adaptive housing grant program and the servicemembers' group life insurance program respectively. I am pleased we were able to include these important corrective measures.

Mr. Speaker, the servicemembers, military families and veterans of this Nation have earned and deserve our best efforts here in Congress. Indeed, they deserve so much more. I am proud to support this legislation, and I am confident it will benefit the veterans of my home State of South Dakota, as well as the other veterans across the country.

I fully support H.R. 2046, as amended, and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to thank our Committee on Veterans' Affairs Chairman, the gentleman from Indiana (Chairman BUYER), as well as the gentleman from California (Mr. FILNER), the Ranking Member, the gentleman from Illinois (Mr. EVANS), and the subcommittee chairman, the gentleman from Arkansas (Mr. BOOZMAN) for giving Congress the opportunity to vote on the Servicemembers' Health Insurance Protection Act.

Today, when a man or a woman makes a decision to serve their country through the Armed Forces, most have to give up their employer-sponsored health care. Although TRICARE insures these enlistees, in the eyes of their health care providers, they are technically without coverage until they return, and then they are subject to unfair premium increases as a "new employee." America asks these young men and women to fight for our country, then we allow their insurance costs to increase when they return. How, many would ask, is this at all fair?

The bill that we have before us, H.R. 2046, specifies that when a person enlists in the military, they will return to the same low-cost, employer-sponsored health insurance that they had before their absence. This common-sense legislation enjoyed unanimous support from Committee on Veterans' Affairs members, is supported by the Department of Defense, Department of Labor, and veterans' groups around the country.

I look forward to voting in favor of H.R. 2046 and I encourage my colleagues to do the same. Certainly those members of the military, whether it is active or the Reserve, when we have so many people serving today in the war on terrorism, they deserve to have this kind of legislation passed so that they can come back home and again provide the kind of health care insurance that their family needs.

Ms. HERSETH. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Speaker, I rise in strong support of H.R. 2046, as amended. I would like to thank the gentleman from Indiana (Chairman BUYER) and the chairman and ranking member of the Subcommittee on Economic Opportunities, the gentleman from Arkansas (Mr. BOOZMAN) and the gentlewoman from South Dakota (Ms. HERSETH) for their hard work in bringing this legislation to the floor today.

Mr. Speaker, this has been a bipartisan effort. Let us keep it that way and get the job done for the veterans who deserve our help through the difficult times that they are facing. They face danger every day, and I am proud to represent them here in the United States House of Representatives. It is our responsibility to provide them the necessary benefits and protections as they serve this Nation.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. BOOZMAN. Mr. Speaker, I reserve the balance of my time.

Ms. HERSETH. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I thank the gentleman from Arkansas (Chairman BOOZMAN) for his great work on this very necessary item.

I too rise today in support of the Servicemembers' Health Insurance Protection Act of 2005, a bill that we have heard will assure the men and women in active service that their private health insurance premiums will not be increased, nor will reinstatement be delayed when they return from Iraq or Afghanistan. The last thing these servicemembers need while they are at war is to worry about the details of their life after service, and health insurance, of course, being one of the most important.

H.R. 2046 will ensure a smooth transition from health care under the military to health care in civilian life.

□ 1730

This bill has support from the veterans service organizations around the country, as well as our Department of Defense.

I think, as we have heard, in addition to the primary purpose of the bill, a technical change is included which will help many disabled veterans to use what is called their adaptive housing grant prior to their discharge from the military. This will expedite their release from hospitalization because they will not have to wait for changes to be made to their homes to accommodate their disability. This provision was inadvertently omitted when changes were made in 2004 in the Veterans Benefit Act, and I am glad that we are fixing this problem today.

Congress must do everything it can to recognize and reward our brave men and women fighting today. Many are serving longer than they expected. Many are in danger each and every day.

They serve with pride and with dignity. Let us honor their service by passing this legislation to treat them with the respect that they deserve.

Mr. BOOZMAN. Mr. Speaker, I reserve the balance of my time.

Ms. HERSETH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no further requests for time. I would just like to reiterate my appreciation for the leadership of the full committee, the gentleman from Arkansas (Chairman BOOZMAN), and his leadership on the subcommittee, of course the efforts of committee staff and all of their hard work in advancing this important legislation, as well as those that were in hearings with the chairman and me and other members of the subcommittee, those from the Department

of Labor, the Department of Defense, the Department of Veterans Affairs, as well as many veterans organizations serving as advocates for veterans and their families across the country and servicemembers as they return.

Mr. Speaker, I yield back the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Indiana (Chairman BUYER); the gentleman from Illinois (Mr. EVANS), our full committee ranking member; and the gentlewoman from South Dakota (Ms. HERSETH), the Economic Opportunities Subcommittee ranking member, for their leadership and hard work on this bill. And, again, as was noted, I especially want to thank the staff.

Once again, this is a bipartisan bill, and I urge all Members to support the Servicemembers Health Insurance Protection Act of 2005.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support H.R. 2046, the Servicemembers Health Insurance Protection Act of 2005. This legislation offered by the Chairman of the Veterans Affairs Committee Mr. BUYER, would limit premium increases on health insurance for reservists who return to their civilian jobs after serving on active duty and ensure that reservists whose activation is cancelled before they report for duty can reinstate their health care coverage. It also would allow disabled service members to qualify for a housing grant provided by the Department of Veterans Affairs before being discharged from active duty. I support these provisions of the legislation because they protect the rights the men and women of our Armed Forces when they are on duty.

While I do support the provisions of this legislation, I do have concerns about the possible adverse impact on private insurance carriers. I strongly believe it is the responsibility of the Federal government to provide for the healthcare needs of our veterans. Private insurance should not carry the entire national burden of health care for military personnel. I hope that as the agenda of the Veterans Affairs Committee continues to unfold, further legislation will be introduced to provide healthcare for our veterans through the Federal government. We made a promise to our men and women in the Armed Forces that we would take care of them when they were no longer on active duty and we as a Government would be negligent if we did not keep our promise.

Mr. BISHOP of New York. Mr. Speaker, I proudly rise today as a cosponsor and in support of H.R. 2046, the Servicemembers' Health Insurance Protection Act of 2005.

As our brave men and women continue to put their lives on the line for our Nation, we owe each of them the health care coverage they were promised and make it easier for their families to manage the transition to active duty and back to civilian life.

Reservists, who fulfill a critical mission in supplementing our fighting forces, should be treated equally and feel as safe as their active duty counterparts in that their employer provided insurance will still be available upon termination of federal benefits. But for too many reservists, this is not the case.

The Servicemembers' Civil Relief Act was passed, in part, to guarantee reinstatement of employer-provided health care following separation from active duty. However, an unintended consequence of that law allowed insurance companies to unfairly single out reservists by inflating their premiums once they returned to civilian life.

Mr. Speaker, I am pleased that we are working to correct this problem by offering this bill as a remedy by protecting our brave reservists from inflated insurance premiums and giving them a helping hand as they return to civilian life.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 2046, the Servicemembers Health Insurance Protection (SHIP) Act of 2005, and to voice my strong commitment and appreciation to our nation's servicemembers and veterans as we head into the Memorial Day weekend.

On May 11, 2005, my colleagues and I on the House Veterans Affairs Committee considered H.R. 2046. This important legislation would assist in providing a seamless transition for our Reservists and Guardsmen by curbing health insurance premium increases and preserving employer-sponsored health care coverage. I voted for this legislation because our servicemembers deserve better protections and improved quality of life.

I would also like to take this time to thank our past and current members of the U.S. Armed Forces for their selfless service to our country. We owe each of them a great deal of respect and appreciation, especially those who have made the ultimate sacrifice for our nation. While many of us will be fortunate enough to be surrounded by loved ones this Memorial Day weekend, I encourage all Americans to take this special time to reflect on the sacrifice of those who died while serving their country and to pray for our troops currently in harm's way.

Mr. Speaker, I urge my colleagues in Congress to continue caring for our servicemembers by ensuring passage of H.R. 2046.

Mr. CARDIN. Mr. Speaker, as our soldiers face a time of war and strife across the globe, we must be mindful not only of the risks that they face in combat, but also the barriers that they face to planning a secure future here at home after the battle is done.

There are currently about 180,000 Americans serving in Iraq, and another 18,000 in and around Afghanistan. It is estimated that there are 1,652 Maryland national guard and reservists serving in combat today.

This bill is important, because it shows our commitment to the future of our troops, to the future of their families. Today soldiers do not pay taxes on their combat pay, as our way of saying that they are paying more than their fair share in the gift of service they bestow on their country. This is only right, and we owe our soldiers our gratitude. But we also owe them the gift of a future, and this bill allows soldiers to plan for that future even as they are protecting ours.

This bill gives soldiers the opportunity to save for their retirement by including combat zone pay as earned income in calculating the tax deduction for contributions to retirement savings plans.

I think we should go further. In my bill, the Pension Preservation and Savings Expansion Act, I included a provision that allows National

Guard members and military reservists called up on active duty to continue contributing to their workplace retirement plans where their employers pay them their salary differential during their active duty service. This important provision should also be brought to the floor for a vote.

We have an obligation to ensure that our soldiers have a secure present and a secure future, and this bill takes one important step in that direction. I urge a "yes" vote on the Heroes Earned Retirement Opportunities Act.

Mr. BOOZMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. BOOZMAN) that the House suspend the rules and pass the bill, H.R. 2046, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. BOOZMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2046, as amended.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a), rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 32 minutes p.m.) the House stood in recess until approximately 6:30 p.m.

□ 1831

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DUNCAN) at 6 o'clock and 31 minutes p.m.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2419, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 109-94) on the resolution (H. Res. 291) providing for consideration of the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 744, by the yeas and nays;

H.R. 29, by the yeas and nays;

H. Con. Res. 149, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

The vote on the motion to suspend the rules and pass H.R. 1224 will be taken tomorrow.

INTERNET SPYWARE (I-SPY)  
PREVENTION ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 744, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 744, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 395, nays 1, not voting 37, as follows:

[Roll No. 200]

YEAS—395

Abercrombie	Brown-Waite,	DeFazio
Ackerman	Ginny	DeGette
Aderholt	Burgess	DeLauro
Akin	Butterfield	DeLay
Alexander	Calvert	Dent
Allen	Camp	Diaz-Balart, L.
Andrews	Cannon	Diaz-Balart, M.
Baca	Cantor	Dicks
Bachus	Capito	Dingell
Baird	Capps	Doggett
Baker	Capuano	Doolittle
Baldwin	Cardin	Doyle
Barrow	Cardoza	Drake
Bartlett (MD)	Carnahan	Dreier
Barton (TX)	Carson	Duncan
Bass	Carter	Edwards
Bean	Case	Ehlers
Beauprez	Castle	Emanuel
Berkley	Chabot	Emerson
Berman	Chandler	Engel
Berry	Chocola	Eshoo
Biggert	Cleaver	Etheridge
Bilirakis	Clyburn	Evans
Bishop (GA)	Coble	Everett
Bishop (NY)	Cole (OK)	Farr
Bishop (UT)	Conaway	Feeney
Blackburn	Conyers	Filner
Blumenauer	Cooper	Fitzpatrick (PA)
Blunt	Costa	Flake
Boehlert	Costello	Foley
Boehner	Cox	Forbes
Bonilla	Cramer	Ford
Bonner	Crenshaw	Fortenberry
Bono	Crowley	Fossella
Boozman	Cuellar	Fox
Boren	Culberson	Frank (MA)
Boswell	Cummings	Franks (AZ)
Boucher	Cunningham	Frelinghuysen
Boustany	Davis (CA)	Garrett (NJ)
Boyd	Davis (FL)	Gerlach
Bradley (NH)	Davis (IL)	Gilchrest
Brady (PA)	Davis (KY)	Gillmor
Brady (TX)	Davis (TN)	Gingrey
Brown (SC)	Davis, Jo Ann	Gonzalez
Brown, Corrine	Davis, Tom	Goode
	Deal (GA)	Goodlatte

Gordon	Manzullo	Ross	Kingston	Miller (MI)	Shaw
Granger	Marchant	Rothman	LaTourette	Moore (KS)	Shays
Graves	Markey	Roybal-Allard	Lynch	Poe	Shimkus
Green (WI)	Marshall	Royce	McCrery	Pryce (OH)	Stark
Green, Al	Matheson	Ruppersberger	Meeks (NY)	Rush	Velázquez
Green, Gene	Matsui	Ryan (OH)	Millender-	Sanchez, Loretta	Young (AK)
Grijalva	McCarthy	Ryan (WI)	McDonald	Sessions	
Gutierrez	McCaul (TX)	Ryun (KS)			
Gutknecht	McCollum (MN)	Sabo			
Hall	McCotter	Salazar			
Harman	McDermott	Sánchez, Linda			
Harris	McGovern	T.			
Hart	McHenry	Sanders			
Hastings (FL)	McHugh	Saxton			
Hayes	McIntyre	Schakowsky			
Hayworth	McKeon	Schiff			
Hefley	McKinney	Schwartz (PA)			
Hensarling	McMorris	Schwarz (MI)			
Hergert	McNulty	Scott (GA)			
Hersteth	Meehan	Scott (VA)			
Higgins	Meek (FL)	Sensenbrenner			
Hinche	Melancon	Serrano			
Hinojosa	Menendez	Shadegg			
Hobson	Mica	Sherman			
Hoekstra	Michaud	Sherwood			
Holden	Miller (FL)	Shuster			
Holt	Miller (NC)	Simmons			
Honda	Miller, Gary	Simpson			
Hooley	Miller, George	Skelton			
Hostettler	Mollohan	Slaughter			
Hoyer	Moore (WI)	Smith (NJ)			
Hulshof	Moran (KS)	Smith (TX)			
Hunter	Moran (VA)	Smith (WA)			
Hyde	Murphy	Snyder			
Inglis (SC)	Murtha	Sodrel			
Inslee	Musgrave	Solis			
Israel	Myrick	Souder			
Issa	Nadler	Spratt			
Jackson (IL)	Napolitano	Stearns			
Jackson-Lee	Neal (MA)	Strickland			
(TX)	Neugebauer	Stupak			
Jefferson	Ney	Sullivan			
Jenkins	Northup	Sweeney			
Jindal	Norwood	Tancredo			
Johnson (CT)	Nunes	Tanner			
Johnson (IL)	Nussle	Tauscher			
Johnson, E. B.	Oberstar	Taylor (MS)			
Johnson, Sam	Obey	Taylor (NC)			
Jones (NC)	Oliver	Terry			
Jones (OH)	Ortiz	Thomas			
Kanjorski	Osborne	Thompson (CA)			
Kaptur	Otter	Thompson (MS)			
Keller	Owens	Thornberry			
Kelly	Oxley	Tiahrt			
Kennedy (MN)	Pallone	Tiberi			
Kildee	Pascarella	Tierney			
Kilpatrick (MI)	Pastor	Towns			
Kind	Payne	Turner			
King (IA)	Pearce	Udall (CO)			
King (NY)	Pelosi	Udall (NM)			
Kirk	Pence	Upton			
Kline	Peterson (MN)	Van Hollen			
Knollenberg	Peterson (PA)	Visclosky			
Kolbe	Petri	Walden (OR)			
Kucinich	Pickering	Walsh			
Kuhl (NY)	Pitts	Wamp			
LaHood	Platts	Wasserman			
Langevin	Pombo	Schultz			
Lantos	Pomeroy	Porter			
Larsen (WA)	Porter	Watson			
Larson (CT)	Price (GA)	Watt			
Latham	Price (NC)	Waxman			
Leach	Putnam	Weiner			
Lee	Radanovich	Weldon (FL)			
Levin	Rahall	Weldon (PA)			
Lewis (CA)	Ramstad	Weller			
Lewis (GA)	Rangel	Westmoreland			
Lewis (KY)	Regula	Wexler			
Linder	Rehberg	Whitfield			
Lipinski	Reichert	Wicker			
LoBiondo	Renzi	Wilson (NM)			
Lofgren, Zoe	Reyes	Wilson (SC)			
Lowe	Reynolds	Wolf			
Lucas	Rogers (AL)	Woolsey			
Lungren, Daniel	Rogers (KY)	Wu			
E.	Rogers (MI)	Wynn			
Mack	Rohrabacher	Young (FL)			
Maloney	Ros-Lehtinen				

NAYS—1

Paul

NOT VOTING—37

Cubin	Gallegly
Davis (AL)	Gibbons
Delahunt	Gohmert
English (PA)	Hastings (WA)
Fattah	Istook
Ferguson	Kennedy (RI)

□ 1854

Mr. CONYERS and Mr. TIERNEY changed their vote from “nay” to “yea.”

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SECURELY PROTECT YOURSELF  
AGAINST CYBER TRESPASS ACT

The SPEAKER pro tempore (Mr. DUNCAN). The pending business is the question of suspending the rules and passing the bill, H.R. 29, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 29, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 4, not voting 36, as follows:

[Roll No. 201]

YEAS—393

Abercrombie	Butterfield	Diaz-Balart, L.
Ackerman	Calvert	Diaz-Balart, M.
Aderholt	Camp	Dicks
Akin	Cannon	Dingell
Alexander	Cantor	Doggett
Allen	Capito	Doolittle
Andrews	Capps	Doyle
Baca	Capuano	Drake
Bachus	Cardin	Dreier
Baird	Cardoza	Duncan
Baker	Carnahan	Edwards
Baldwin	Carson	Ehlers
Barrow	Carter	Emanuel
Bartlett (MD)	Case	Emerson
Barton (TX)	Castle	Engel
Bass	Chabot	Eshoo
Bean	Chandler	Etheridge
Beauprez	Chocola	Evans
Berkley	Cleaver	Everett
Berman	Clyburn	Farr
Berry	Coble	Feeney
Biggert	Cole (OK)	Filner
Bilirakis	Conaway	Fitzpatrick (PA)
Bishop (GA)	Conyers	Flake
Bishop (NY)	Cooper	Foley
Bishop (UT)	Costa	Forbes
Blackburn	Costello	Ford
Blumenauer	Cox	Fortenberry
Blunt	Cramer	Fossella
Boehlert	Crenshaw	Fox
Boehner	Crowley	Frank (MA)
Bonilla	Cuellar	Franks (AZ)
Bonner	Culberson	Frelinghuysen
Bono	Cummings	Garrett (NJ)
Boozman	Cunningham	Gerlach
Boren	Davis (CA)	Gilchrest
Boswell	Davis (FL)	Gillmor
Boucher	Davis (IL)	Gingrey
Boustany	Davis (KY)	Gonzalez
Boyd	Davis (TN)	Goode
Bradley (NH)	Davis, Jo Ann	Goodlatte
Brady (PA)	Davis, Tom	Gordon
Brady (TX)	Deal (GA)	Granger
Brown (SC)	DeFazio	Graves
Brown, Corrine	DeGette	Green (WI)
Brown-Waite,	DeLauro	Green, Al
Ginny	DeLay	Green, Gene
Burgess	Dent	Grijalva

Gutierrez	McCaull (TX)	Royce	Millender-	Rush	Shimkus	Garrett (NJ)	Lucas	Rogers (KY)
Gutknecht	McCollum (MN)	Ruppersberger	McDonald	Sanchez, Loretta	Stark	Gerlach	Lungren, Daniel	Rogers (MI)
Hall	McCotter	Ryan (OH)	Miller (MI)	Sessions	Velázquez	Gilchrest	E.	Rohrabacher
Harman	McDermott	Ryan (WI)	Poe	Shaw	Young (AK)	Gillmor	Mack	Ros-Lehtinen
Harris	McGovern	Ryun (KS)	Pryce (OH)	Shays		Gingrey	Maloney	Ross
Hart	McHenry	Sabo				Gonzalez	Manzullo	Rothman
Hastings (FL)	McHugh	Salazar	ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE					
Hayes	McIntyre	Sánchez, Linda	The SPEAKER pro tempore (Mr.					
Hayworth	McKeon	T.	DUNCAN) (during the vote). Members					
Hefley	McKinney	Sanders	are advised there are 2 minutes remain-					
Hensarling	McMorris	Saxton	ing in this vote.					
Henger	McNulty	Schakowsky	□ 1903					
Hersteth	Meehan	Schiff	So (two-thirds having voted in favor					
Higgins	Meek (FL)	Schwartz (PA)	thereof) the rules were suspended and					
Hincney	Melancon	Schwarz (MI)	the bill, as amended, was passed.					
Hinojosa	Menendez	Scott (GA)	The result of the vote was announced					
Hobson	Mica	Scott (VA)	as above recorded.					
Hoekstra	Michaud	Sensenbrenner	A motion to reconsider was laid on					
Holden	Miller (FL)	Serrano	the table.					
Holt	Miller (NC)	Shadegg	RECOGNIZING 57TH ANNIVERSARY					
Honda	Miller, Gary	Sherman	OF INDEPENDENCE OF STATE OF					
Hooley	Miller, George	Sherwood	ISRAEL					
Hostettler	Mollohan	Shuster	The SPEAKER pro tempore. The					
Hoyer	Moore (KS)	Simmons	pending business is the question of sus-					
Hulshof	Moore (WI)	Simpson	pending the rules and agreeing to the					
Hunter	Moran (KS)	Skelton	concurrent resolution, H. Con. Res. 149,					
Hyde	Moran (VA)	Slaughter	as amended.					
Inglis (SC)	Murphy	Smith (NJ)	The Clerk read the title of the con-					
Inslee	Murtha	Smith (TX)	current resolution.					
Israel	Musgrave	Smith (WA)	The SPEAKER pro tempore. The					
Issa	Myrick	Snyder	question is on the motion offered by					
Jackson (IL)	Nadler	Sodrel	the gentlewoman from Florida (Ms.					
Jefferson	Napolitano	Solis	ROS-LEHTINEN) that the House suspend					
Jenkins	Neal (MA)	Souder	the rules and agree to the concurrent					
Jindal	Neugebauer	Spratt	resolution, H. Con. Res. 149, as amend-					
Johnson (CT)	Ney	Stearns	ed, on which the yeas and nays are or-					
Johnson (IL)	Northup	Strickland	dered.					
Johnson, E. B.	Norwood	Stupak	The vote was taken by electronic de-					
Johnson, Sam	Nunes	Sullivan	vice, and there were—yeas 397, nays 0,					
Jones (NC)	Nussle	Sweeney	not voting 36, as follows:					
Jones (OH)	Oberstar	Tancredo	[Roll No. 202]					
Kanjorski	Obey	Tanner	YEAS—397					
Kaptur	Oliver	Tauscher	Abercrombie	Brown (SC)	Davis (KY)	Jefferson	Northup	Tanner
Keller	Ortiz	Taylor (MS)	Ackerman	Brown, Corrine	Davis (TN)	Jenkins	Norwood	Tauscher
Kelly	Osborne	Taylor (NC)	Aderholt	Brown-Waite,	Davis, Jo Ann	Kildee	Nunes	Taylor (MS)
Kennedy (MN)	Otter	Terry	Akin	Ginny	Davis, Tom	Jindal	Nussle	Taylor (NC)
Kildee	Owens	Thomas	Alexander	Burgess	Deal (GA)	Johnson (CT)	Oberstar	Terry
Kilpatrick (MI)	Oxley	Thompson (CA)	Allen	Butterfield	DeFazio	Johnson (IL)	Obey	Thomas
Kind	Pallone	Thompson (MS)	Andrews	Calvert	DeGette	Johnson, E. B.	Oliver	Thompson (CA)
King (IA)	Pascrell	Thornberry	Baca	Camp	DeLauro	Johnson, Sam	Ortiz	Thompson (MS)
King (NY)	Payne	Tiahrt	Bachus	Cannon	DeLay	Jones (NC)	Osborne	Thornberry
Kirk	Pearce	Tiberi	Baird	Cantor	Dent	Jones (OH)	Otter	Tiahrt
Kline	Pelosi	Tierney	Baker	Capito	Diaz-Balart, L.	Kanjorski	Owens	Tiberi
Knollenberg	Pence	Towns	Baldwin	Capps	Diaz-Balart, M.	Kaptur	Oxley	Tierney
Kolbe	Peterson (MN)	Turner	Barrow	Capuano	Dicks	Keller	Pallone	Towns
Kucinich	Peterson (PA)	Udall (CO)	Bartlett (MD)	Cardin	Dingell	Kelly	Pascrell	Turner
Kuhl (NY)	Petri	Udall (NM)	Barton (TX)	Cardoza	Doggett	Kennedy (MN)	Pastor	Udall (CO)
LaHood	Pickering	Upton	Bass	Carnahan	Doolittle	Kilpatrick (MI)	Paul	Udall (NM)
Langevin	Pitts	Van Hollen	Beauprez	Carson	Doyle	Kind	Payne	Upton
Larsen (WA)	Platts	Visclosky	Berkley	Carter	Drake	King (IA)	Pearce	Van Hollen
Larson (CT)	Pomboy	Walden (OR)	Berman	Case	Dreier	King (NY)	Pelosi	Visclosky
Latham	Porter	Walsh	Berry	Castle	Duncan	Kirk	Pence	Walden (OR)
Leach	Price (GA)	Wasserman	Biggart	Chabot	Edwards	Kline	Peterson (MN)	Walsh
Lee	Price (NC)	Schultz	Bilirakis	Chandler	Ehlers	Klone	Peterson (PA)	Wamp
Levin	Putnam	Waters	Bishop (GA)	Choccola	Emanuel	Knollenberg	Petri	Wasserman
Lewis (CA)	Radanovich	Watson	Bishop (NY)	Cleaver	Emerson	Kolbe	Pickering	Schultz
Lewis (GA)	Rahall	Watt	Bishop (UT)	Clyburn	Engel	Kucinich	Pitts	Waters
Lewis (KY)	Rangel	Waxman	Blunt	Coble	Eshoo	Kuhl (NY)	Platts	Watson
Linder	Regula	Weiner	Boehlert	Cole (OK)	Etheridge	LaHood	Pomboy	Watt
Lipinski	Rehberg	Weldon (FL)	Boehner	Conaway	Evans	Langevin	Pomeroy	Waxman
LoBiondo	Reichert	Weldon (PA)	Bonilla	Conyers	Everett	Lantons	Porter	Weiner
Lowey	Reynolds	Westmoreland	Bonner	Cooper	Farr	Larsen (WA)	Price (GA)	Weldon (FL)
Lucas	Reyes	Wexler	Bono	Costa	Feeney	Larson (CT)	Price (NC)	Weldon (PA)
Lungren, Daniel	Renzi	Whitfield	Boozman	Costello	Filmer	Latham	Putnam	Weiler
E.	Reynolds	Wicker	Boren	Cox	Fitzpatrick (PA)	Leach	Radanovich	Westmoreland
Mack	Rogers (AL)	Wilson (NM)	Boswell	Cramer	Foley	Lee	Rahall	Wexler
Maloney	Rogers (KY)	Wilson (SC)	Boucher	Crenshaw	Forbes	Levin	Rangel	Whitfield
Manzullo	Rogers (MI)	Wolf	Boush	Crowley	Ford	Lewis (CA)	Regula	Wicker
Marchant	Rohrabacher	Woolsey	Bowen	Cuellar	Fortenberry	Lewis (GA)	Rehberg	Wilson (NM)
Markey	Ros-Lehtinen	Wynn	Bowen	Culbertson	Fossella	Linder	Reichert	Wilson (SC)
Marshall	Ross	Young (FL)	Bowen	Cummings	Frank (MA)	Lipinski	Reyes	Wu
Matheson	Rothman		Bowen	Cunningham	Frank (AZ)	LoBiondo	Reynolds	Wynn
Matsui	Roybal-Allard		Bowen	Davis (CA)	Frelinghuysen	Lofgren, Zoe	Rogers (AL)	Young (FL)
McCarthy			Bowen	Davis (FL)		Lowey		

## NAYS—4

## NOT VOTING—36

## NOT VOTING—36

Kingston	Miller (MI)	Shays
LaTourette	Poe	Shimkus
Lynch	Pryce (OH)	Stark
McCrery	Rush	Velázquez
Meeks (NY)	Sanchez, Loretta	Young (AK)
Millender-	Sessions	
McDonald	Shaw	

□ 1920

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mr. GIBBONS. Mr. Speaker, I rise today to explain how I would have voted on May 23, 2005 during rollcall vote No. 200, No. 201, and No. 202 during the first session of the 109th Congress. The first vote was on H.R. 744—the Internet Spyware (I-SPY) Prevention Act of 2005, the second vote was on H.R. 29—Securely Protect Yourself Against Cyber Trespass Act, and the last vote was on H. Con. Res. 149—Recognizing the 57th Anniversary of the independence of the State of Israel.

I respectfully request that it be entered into the CONGRESSIONAL RECORD that if present, I would have voted “yes” on the rollcall votes.

#### PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, I was regrettably delayed in my return to Washington, DC from an official visit to Venezuela for meetings with various officials and therefore unable to be on the House Floor for rollcall votes 200, 201, and 202. Had I been here I would have voted “yea” for rollcall vote 200, “yea” for rollcall vote 201, and “yea” for rollcall vote 202.

#### REPORT ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATION ACT, 2006

Mr. WALSH, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109-95) on the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. WESTMORELAND). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

#### MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 810, STEM CELL RESEARCH ENHANCEMENT ACT OF 2005

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that it shall be in order at any time without interven-

tion of any point of order to consider in the House H.R. 810. The bill shall be considered as read; the previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate on the bill, equally divided and controlled by the chairman of the Committee on Energy and Commerce and the gentlewoman from Colorado (Ms. DEGETTE) or their designees; (2) one motion to recommit; and during consideration of H.R. 810, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

#### ECONOMIC GROWTH IN TENNESSEE

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, you know last year this body passed the 2004 Jobs and Growth Act, and this restored sales tax deductibility to our State.

Mr. Speaker, I wanted to rise tonight just to give an update on the good work this is doing in the State of Tennessee. We have a \$272 million boost in our State revenues. Now, we are one of those States that does not have a State income tax. We have a State sales tax, and restoring that deductibility that the Republican leadership pushed forward in this House has paid dividends for the State of Tennessee.

It is like a lot of the other economic news that we are hearing: 274,000 new jobs that were created in the month of April; employment ranks grew by 598,000 jobs this last month, pushing it to over 141 million Americans who are working. These are the right decisions, the right steps to promote positive economic growth in our great Nation, and I thank the leadership for their work on that issue.

#### DEFENSE AUTHORIZATION AMENDMENTS TO STRENGTHEN CLEAN-UP OF BRAC SITES

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, one reason there is so much opposition to the BRAC base closing process is that people do not know what they are going to get stuck with when their base closes. Seventeen bases from the 1988 round are still contaminated and have not been transferred back to the benefit of local communities. Over 140,000 acres on closed or realigned bases have not been cleaned up.

I am offering an amendment to the defense authorization legislation tomorrow that would delay the imple-

mentation of the 2005 Base Realignment and Closure round until the Secretary of Defense submits a strategy including an estimate of the amount of funds necessary to complete unexploded ordinance clean up and environmental remediation of the bases closed during the 1988 round. Not trying to stop the BRAC, just getting plans in place that are 17 years overdue.

At a time when we are asking communities to bear the trauma of the BRAC process, it is unacceptable that we have not finished cleaning up the first round.

#### TRIBUTE TO DR. LUIS GLASER

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to pay special tribute to an outstanding citizen from my south Florida community, Dr. Luis Glaser. For the past 19 years, Dr. Glaser has served as provost for the University of Miami. He has been one of the university's most dynamic and energetic leaders.

As a recent graduate of the University of Miami, I am proud to have experienced firsthand his exceptional leadership.

As a Jewish refugee who fled his native Austria at the dawn of the Holocaust, Dr. Glaser understands the experience of refugees of so many countries who have made the University of Miami the international academic center that it is.

His sensitivity and his insight have allowed him to fully engage in the academic life of the university and to maintain direct personal contact with its students.

I ask my colleagues to join me in thanking Dr. Luis Glaser for his wonderful service, as well as to his great wife, Ruth, for their unparalleled commitment to our south Florida community and to the University of Miami community. Go Canes. Thank you, Louie.

#### ALLOW STEM CELL RESEARCH

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, yesterday I met with a group of folks who are urging the House to allow common-sense, reasonable stem cell, embryonic stem cell research to continue. I talked to Dr. Charles Murray of the University of Washington Cardiovascular Regenerative Biology Center, who told us that this research some day could repair damaged hearts.

I talked to Dr. Tony Blau, a hematologist at the University of Washington, who said that they had to put some research on the shelf because of these restrictive rules that President



Bush's administration has placed on this research.

I talked to Dr. Connie Davis, who works with kidney and liver transplantees, who told us about the potential that this research could bring for the health of citizens, who said, why can people not make their own decisions? When you donate a kidney or you donate embryonic cells, she said, it should be the same thing.

We should pass, tomorrow, a commonsense measure that removes these restrictions that put handcuffs on our researchers right now where we are falling behind the rest of the country. Folks who have diabetes and Parkinson's know what is at stake tomorrow. Let us pass the bill.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### ORDER OF BUSINESS

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

#### OPPOSITION TO CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I rise tonight, joining with many of my friends on the Democratic side, because I am opposed to CAFTA; and I would like to take just a few minutes to explain why I am opposed to CAFTA, the Central American Free Trade Agreement; and I like to quote from a gentleman I have great respect for, particularly when it comes to protecting American jobs, Pat Buchanan.

□ 1930

The title of his article is called "CAFTA: Last Nail In The Coffin?" And I will read a few paragraphs from the article. He says, "As I write, the Department of Commerce has just released trade deficit numbers for February of 2005. Again, the monthly trade deficit set a record of \$61 billion. In January-February 2005, the annual U.S. trade deficit was running \$100 billion above the all-time record of \$617 billion in 2004."

Let me go read a little bit more from his article. "Between 1993 and 2004, the United States trade deficit with Beijing, China, grew 700 percent to \$162 billion. Since NAFTA which passed a few years ago, the U.S. trade surplus with Mexico has vanished and the annual trade deficit is now running above \$50 billion that we owe Mexico. One-and-a-half million illegal aliens are caught each year crossing our borders and 500,000 make it in to take up residence and enjoy all the social programs generous but over-taxed Americans cannot afford to pay.

"The highest per capita income in Central America is \$9,000 a year in Costa Rica, which is less than the U.S. minimum wage, but CAFTA will enable agribusiness and transnational companies to set up shop in Central America to dump into the United States and drive our last family farmers out of business and kill our last manufacturing jobs in textiles and apparel."

Mr. Speaker, I also want to read just a paragraph from a letter I received recently that was not signed. It is a full page and a half. I will read one paragraph. I intend to come to the floor day after day after day to talk about this issue.

He says, "Dear Congressman JONES: It is my understanding that you share my deep concern that our country is losing its industrial base. We are losing the vital jobs that are so important to support our economy and ultimately preserve the excellent standard of living that prior generations passed on to us. My view is that leaders in government and business are doing an inadequate job of protecting America's industrial base."

There is no question about that, Mr. Speaker. The gentleman that wrote this letter knows because he is a subcontractor.

Mr. Speaker, I want to show in my great State of North Carolina, which I am very proud to be one of 13 representatives, that since NAFTA we have lost over 200,000 manufacturing jobs. The United States itself, since NAFTA, has lost 2.5 million manufacturing jobs.

Mr. Speaker, this first chart shows you Pillowtex, which happens to be in the district of my dear friend, the gentleman from North Carolina's (Mr. HAYES), in July 31 of 2003. It says, "Pillowtex Goes Bust, Erasing 6,450 Jobs." The subtitle says, "5 North Carolina plants closing in largest single job loss in State's history."

Mr. Speaker, we need to get serious about what is happening to the manufacturing jobs in America, and I am very disappointed that this administration does not seem to get it.

I will also say that 2 weeks ago in my home county of Wilson County, which I share with the gentleman from North Carolina (Mr. BUTTERFIELD), it says, "VF Jeanswear Closes Plant, Last 445 Jobs Gone By Next Summer." It further states in the article that operations performed in Wilson, which in-

clude fabric cutting and finishing garments, will be moved to Central America.

Mr. Speaker, I hope that we in a bipartisan way can defeat CAFTA, and I will do everything I can to help my friends, Republican and Democrat, to defeat CAFTA because it is about time that we care about the American workers.

Mr. Speaker, I ask God to please bless our men and women in uniform and their families.

#### CHEMICAL SECURITY

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, in 2003 the U.S. General Accounting Office released a report that was done at the request of myself and the gentleman from Michigan (Mr. DINGELL) and, I believe, other Members of Congress that found with regard to terrorist threats that no Federal agency has assessed the extent of security preparedness at chemical plants and that no Federal requirements are in place to require chemical plants to assess their vulnerabilities and take steps to reduce them.

I wanted to talk briefly tonight about this issue of the need for security at chemical plants. I was very pleased to note yesterday in the New York Times the lead editorial addressed this issue. I wanted to read from some sections of that editorial and comment on it.

In one part of the New York Times editorial yesterday it says, "There is no way to guarantee that terrorists will not successfully attack a chemical facility, but it would be grossly negligent not to take defensive measures. The question Americans should be asking themselves, says Rick Hind, Legislative Director of the Greenpeace Toxics Campaign, is, 'If you fast-forward to a disaster, what would you want to have done?'"

And this is what the New York Times and what Greenpeace say should be some of the priorities:

"First, tighter plant security. There should be tough Federal standards for perimeter fencing. Concrete blockades, armed guards and other forms of security at all of the 15,000 facilities that use deadly chemicals.

"Second, use of safer chemicals. Refineries, when practical, should adopt processes that do not use hydrofluoric acid, the chemical that is now putting New Orleans at risk. Some plants that once used chlorine, such as the Blue Plains wastewater treatment plant in Washington, D.C., have switched to safer alternatives.

"Third, reducing quantities of dangerous chemicals. An important reason that chemical facilities make such tempting targets for terrorists is the enormous quantity of chemicals they

have on hand. The industry should be encouraged and in some cases required to store and transport dangerous chemicals in smaller quantities.

"Fourth, limiting chemical facilities in highly populated areas. Many chemical facilities were built long before terrorism was a concern and when fewer people lived in their surrounding areas. There should be a national initiative to move dangerous chemical facilities, where practical, to lower population areas.

"Fifth, government oversight of chemical safety. The chemical industry wants to police itself through voluntary programs, but the risks are too great to leave chemical security in private hands. Facilities that use dangerous chemicals should be required to identify their vulnerabilities to the Environmental Protection Agency and the Department of Homeland Security and to meet Federal safety standards."

Now, those are the five points that were mentioned by the New York Times yesterday in their editorial, and also by Greenpeace. But I wanted to say, Mr. Speaker, that more than 3 years have passed since 9/11 and Congress has yet to seriously address the need to secure our Nation's chemical plants. We are finally seeing some movement in the Senate, but not yet in the House. And it is time to take serious action to reduce the threat of an attack on a chemical facility which would endanger millions of lives.

Last month I reintroduced the Chemical Security Act, H.R. 2237, which requires the EPA and the Department of Homeland Security to work together to identify high-priority chemical facilities. Once identified, these facilities would be required to assess vulnerabilities and hazards and then development and implement a plan to improve security and use safer technologies within 18 months. Senator CORZINE has introduced this bill in the Senate.

Now, since the legislation was first introduced in the House in 2002, I have tried to get the Republican leadership to conduct a congressional hearing on chemical security. And I welcomed the announcement last week on the House floor during the discussion or debate on the Homeland Security bill, there was an announcement that the House Select Committee on Homeland Security chairman, the gentleman from California (Mr. Cox) said his committee would hold a hearing or start a series of hearings on chemical security beginning June 14.

I would also like to see my own committee, the House Committee on Energy and Commerce, which has jurisdiction over chemical facilities, to follow the gentleman from California's (Mr. Cox) lead and schedule hearings or begin to have hearings this summer.

Hopefully, we will see some positive signs, some movement in the House, at least to have hearings on the issue, but it really is a very important issue, not only for New Jersey, my home State,

but throughout the country. I am also pleased that the New York Times has pointed this out.

Greenpeace, of course, has talked about a number of initiatives even beyond the ones that were mentioned in the New York Times, and I plan to spend some time over the next few weeks talking to Greenpeace about whether additional legislation is necessary to address some of their concerns.

#### HOLES IN NATIONAL GUARD BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, last weekend I traveled back to Oregon, as I frequently do, and participated in an Armed Forces Day parade in Cottage Grove, Oregon. The particular focus this year was the return from Iraq of the 2162nd, a National Guard unit which is based in Cottage Grove, in the last 60 days. There was a good turnout among members of the community.

Of course, we are looking forward next week to Memorial Day, which will be a sober event, as we will honor some of those who have recently lost their lives in service to our Nation.

But one thing stands out in both of these celebrations and that is that there is tremendous support for our troops in uniform, but that support somehow is not getting translated in many ways into policy here in Washington, D.C., in the budgets proposed by the President that relate to offset of benefits for disabled veterans, a disabled veterans tax, that relate to other services for veterans or equity in benefits for the National Guard.

Today, as I got to the plane, I saw an article "Dental Problems Stymie Guard Call-ups." This particular article was about the National Guard in Washington State where 30 percent of the 4,500 called up were ineligible for active duty because of dental problems, 20 percent nationally. I do not know the percentage for Oregon; I have not seen it. But when I was meeting with members of the 2162nd, when they were down in Fort Hood prior to their deployment to Iraq, and the gentlewoman from Oregon (Ms. HOOLEY) and I were meeting with them, this one fellow in the front says, I have a problem, Congressman; I would like you to try and help me out here.

He opens up his mouth really wide and he is missing a couple of front teeth. I said, What is going on there? He said, I had two bad teeth. I went to my predeployment physical. They said, You have those bad teeth; we have to take care of them. So they yanked his teeth out and sent him to Fort Hood. But at Fort Hood they said, You are not active duty military. We are not going to take care of your problem. You go to the end of the line and you will be in Iraq before we get around to it.

So he was going to go home to Oregon on his leave before he left to try to get false teeth inserted so he would not spend a year in Iraq with a big gap in his front teeth.

We need equity in benefits and better benefits for our Guard members. We are treating the National Guard indistinguishable from active duty forces, yet they still often suffer in terms of equipment and they definitely suffer in terms of equity of benefits, health coverage for our Guard members before they are activated. All Guard members should receive health benefits during their service in the Guard. That means they will be ready to defend the country at the drop of a hat. They are ready to deploy. But it also is a good way to induce and recognize the service of these people in our National Guard.

This morning when I got to the plane there was another Guard member there from Kingsley Air Force Base who does military police work, on his way to a conference. And he and I got in a little chat and we were talking about the proposed base closure in Portland. Then he said, When are we going to get recognition on our retirement benefits. The fact that Guard members have a set age instead of a set number of years of service, they are discriminated against.

Education benefits, they are discriminated against. Active duty military soldiers serve in Iraq, come back, leave the military, can get education benefits. National Guard soldiers serve in Iraq, come back having finished their contract in their term, want to get education benefits. No. They have to sign up for another term in the Guard.

But the active duty soldier did nothing to earn those benefits.

We need equity in education benefits. We need better health care benefits. We need better pension benefits. We have to begin treating our National Guard members like the essential component they are of the Nation's national defense today.

They are not an afterthought. They are the front line as much as the active duty military. And there can be no more fitting recognition by this House of Representatives coming up to Memorial Day, in the wake of Armed Forces Day, than to deliver on those changes in benefits and those improvements for our Guard soldiers and to better deliver veterans benefits for all of our Nation's veterans so that Lincoln's words do not become a hollow promise.

□ 1945

We will take care of our veterans. We can afford it in the greatest Nation on earth, and we should make good those promises before Memorial Day.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

(Mr. WELDON of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### FOREIGN FELONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, earlier this month the U.S. Supreme Court ruled the law preventing convicted felons from purchasing guns does not apply to individuals convicted of felonies in foreign countries.

In the case of *Small v. United States*, the ruling stated the law needs to explicitly state that foreign felons are also prohibited from buying firearms. This ruling has opened the doors for dangerous criminals to purchase guns in this country with no questions asked. But the loophole can easily be fixed.

That is why I have introduced H.R. 1931, the Foreign Felons Gun Prohibition Act. My legislation will ensure our gun laws take crimes committed in other countries into consideration before allowing a firearm purchase to go forward.

We cannot allow convicted drug dealers, murderers, rapists and even terrorists to purchase guns just because their crimes were committed in another country.

Mr. Speaker, a convicted drug dealer from South America can purchase all of the guns and ammunition that he wants and can buy in this country legally. This loophole puts the lives of our police officers, ATF officers and innocent bystanders in danger. And as demonstrated in the recent GAO report, it is already too easy for individuals with terrorist ties to buy guns in this country. This loophole will allow someone actually convicted of assisting terrorists overseas to purchase weapons like an AK-47 or a 50 caliber sniper weapon that can shoot down a plane.

I completely understand some felony convictions handed down by foreign courts have legitimacy questions. Convictions can be trumped up for political reasons by corrupt regimes. And nations involved in civil wars or other political disputes may have more than one illegitimate court administering justice. This legislation takes that into consideration.

My bill allows individuals to challenge the legitimacy of foreign felony convictions in our courts. If the foreign felony is found to be out of bounds legally, the individual would be allowed to purchase that gun.

This would do nothing to take away the right of someone to be able to own a gun. I want this bill to ensure that anyone charged with an illegitimate or a politically motivated foreign felony is not discriminated against. This may be inconvenient for some, but we must make sure that gun sales are limited to law-abiding citizens.

Mr. Speaker, we are at war. We cannot allow our enemies in the war on terror to arm themselves within our borders just because of a loophole. This is a homeland security problem with a common-sense solution.

Congress must work to close all of the loopholes in our pre-9/11 gun laws. It is too easy for person with ties to terrorism and criminal organizations to access guns in this Nation. Passing H.R. 1931 will help us win the war on terror and keep our streets safe from gangs and criminal.

We should be working together to make this country as safe as possible, certainly for our police officers, our ATF agents and the innocent bystanders. We can do this, but we must learn to work together. We must change the rhetoric of the gun issue. We are working for gun safety, not taking away the right of someone to own a gun.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Ms. DEGETTE) is recognized for 5 minutes.

(Ms. DEGETTE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. SNYDER) is recognized for 5 minutes.

(Mr. SNYDER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

(Mr. INSLEE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### SUPPORT EMBRYONIC STEM CELL RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, critics of embryonic cell stem research maintain it is wrong to promote science which destroys life in order to save life. As the leading prolife legislator in Washington, Senator ORRIN HATCH put it, "Since when does life begin in a petri dish in a refrigerator?"

To reduce this issue to an abortion issue is a horrible insult to 100 million Americans suffering the ravages of diabetes, spinal cord paralysis, heart disease, Parkinson's and Alzheimer's dis-

ease, multiple sclerosis and Lou Gehrig's disease.

I have met with medical researchers from the University of Minnesota Stem Cell Institute, the National Institutes of Health, the Mayo Clinic, and Johns Hopkins University. As one prominent researcher told me, "The real irony of the President's policy is that at least 100,000 surplus frozen embryos could be used to produce stem cells for research to save lives. Instead, these surplus embryos are being thrown into the garbage and treated as medical waste."

Only 22 of the 78 stem cell lines approved by the President in 2001 remain today. This limit on research has stunted progress on finding cures for a number of debilitating and fatal diseases, according to scientists and patient advocacy groups across America.

Mr. Speaker, the scientific evidence is overwhelming that embryonic stem cells have great potential to regenerate specific types of human tissues, offering hope for millions of Americans suffering from debilitating, fatal and cruel diseases.

Mr. Speaker, it is too late for my beloved mother who was totally debilitated by Alzheimer's disease, which led to her death. It is too late for President Reagan who suffered a similar fate. It is too late for my cousin, Joey, who died a cruel death in his 20s from diabetes, but it is not too late for the 100 million other American people counting on this House to support funding for life-saving research on stem cells derived from donated, surplus embryos created through in vitro fertilization.

Let us not turn our backs on these people and take away their hope. Let us listen to respected colleagues and friends like Senator ORRIN HATCH, Senator CONNIE MACK, and former HHS Secretary Tommy Thompson, all pro-life people, all who tell us this is not an abortion issue. Let us make it clear that abortion politics should not determine this critical vote. Embryonic stem cell research will prolong life, improve life, and give hope for life to millions of people.

Mr. Speaker, I urge Members to support funding for life-saving and life-enhancing embryonic stem cell research. The American people deserve nothing less.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. CLEAVER) is recognized for 5 minutes.

(Mr. CLEAVER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### STEM CELL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the majority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, we have just heard an impassioned plea to proceed with embryonic stem cell research. Tomorrow we are going to vote on a bill that would expedite embryonic stem cell research. I have here the latest issue of *Time* magazine. It just arrived in our office, May 23, and the lead article in it says "Why Bush's Ban Could Be Reversed." It is talking about stem cell research.

In view of the interest all across America and in view of the fact that tomorrow we are going to be voting on a bill, I thought it might be well this evening to spend a few minutes putting this debate in context.

What are stem cells? This is a new term to many Americans. Our first chart is a depiction of the development of early embryos and then all of the tissues in the body which develop from this embryo.

The ultimate stem cell here is the zygote itself. The zygote is produced by the union of the egg from the mother and the sperm from the father. A stem cell is a cell which has the capability of differentiating into a number of other cells. Of course, that is the hope of embryonic stem cell research, that we might induce a cell to develop into a tissue, an organ or cells which will be useful in treating diseases.

This is a very abbreviated depiction of the early development of the embryo because it skips the morula stage, and we will come back to that in a few moments because that is the stage where most of the attention is focused now.

This goes from the zygote through the morula and finally, to the blastula and then to the gastrula. Here we see in the gastrula the development of what we call the germ layers. I guess you would say that a cell from each of these three germ layers, a cell from the endoderm, a cell from the mesoderm or a cell from the ectoderm, are all stem cells because they are destined to become a lot of different tissues and organs in the body.

From the ectoderm develops our nervous system and the skin. From the mesoderm develops most of the mass of the body, all of the bones and all of the muscles, the heart, the red blood cells and so forth. And then the endoderm, although widely dispersed in the body represents less mass in the body because it is the lining of the lung and the digestive tract. My chart shows the germ cells, the sperm in the male and the egg in the female.

Now there are cells in all of these that one could say were stem cells. Tissue, and blood is a tissue, the tissue which has the most obvious stem cell that students were taught at least 50 years ago when I first was studying these things, is the stem cell in the bone marrow from which a number of different blood cells develop.

When you are working with adult stem cells, if you want something other than the organs from which this cell could differentiate, then you need to de-differentiate the cell. In other

words, you need to convince the cell that it is not exactly what it is as a result of the development process, that it returns to its original undifferentiated, or relatively undifferentiated state, and then it can make other tissues.

The embryonic stem cells philosophically certainly hold the most promise because they are cells from which all of the tissues and organs of the body develop. There is the rationale then that these embryonic stem cells hold the promise of producing anything and everything that might be needed for fighting diseases.

□ 2000

There is enormous theoretical potential from working with stem cells. They are useful in treating diseases that result from tissue or organ deficiencies. We need to differentiate these diseases that result from the action of pathogens. There is a very large list of diseases that theoretically might be treated by stem cell application. Diabetes is one of those. It, by the way, represents the largest cost of all the diseases in this country.

This is probably the one that in my experience is the most heart wrenching because I have seen these little children come to my office. Many times during the day and frequently at night they have to prick their finger, their hand, their ear lobe, something in their body to get a drop of blood, and now we have new instruments that require a pretty small drop of blood, and then this new almost miracle instrumentation analyzes that blood to see what the glucose content is so that they know how to set that pump. Many of them have embedded in their side a little hockey puck size pump that pumps insulin.

This of all the diseases, Mr. Speaker, is the one that perhaps most obviously might lend itself to cure through stem cell research. Giving insulin to a diabetic does not cure the disease. It simply delays the inevitable. The person whether they are young or old will go on to have circulatory problems. They may lose their eyesight. Circulation in their legs may be so bad that their toes become gangrenous and have to be removed. When you see these little children come through your office suffering with this disease, your heart really goes out to them and you want to do everything that you possibly can to make sure that they have every potential for a healthy life. And they will not live so long, they will not live so well as the average person in spite of all the miracles of medicine today because insulin does not cure diabetes.

But if through embryonic or adult, for that matter, if you could do it, stem cell research, if you could develop islet of Langerhan cells, you could then put them anywhere in the body. In our bodies, they reside in the pancreas. I am not sure why because what they do and what the pancreas does are two very different things. The pancreas secretes a large number of enzymes for

digestion in the small intestine and the islet of Langerhan cells just happen to be resident there. They could be anywhere. They could be in your tongue, they could be in your toe, they could be in your ear lobe. They could be anywhere as long as there is a blood supply there to pick up the insulin that is made by these islet cells.

There is a long list of diseases: multiple sclerosis, lateral sclerosis, Lou Gehrig's disease. I have personal familiarity with this because my grandmother died of this a number of years ago, and I remember as a little boy standing by her bedside as she deteriorated and finally the only way that she could communicate with us was by blinking her eyes. She could not move anything else. She had no other way to communicate with us.

There is a hope, realizable, who knows, until we conduct the research and do the medical experimentation, but there is a hope that one might develop from stem cells tissues that could be injected into people with multiple sclerosis or lateral sclerosis. Sclerosis, by the way, means a scarring. What happens is that there is a scarring that inhibits the function of these nerves.

Alzheimer's disease, that is frequently mentioned. That is a particularly tragic disease. Although it was not specifically diagnosed in my mother because she had other ailments that were easier to diagnose, she lived to be 92 and I am sure that she had Alzheimer's because she had many of the symptoms. It was really tragic to watch a woman who was very bright and vital lose her ability to remember, lose a sense of proportion, to be calling, Roscoe, Roscoe. I would say, I'm here. She said, oh, you're not Roscoe because my father was Roscoe, Sr. and she was way back 50 years earlier in her memory. There is a hope that stem cell research could help cure diseases like this.

I have here a very large number of autoimmune diseases. There are 63 of them here. I have mentioned a couple of them. Autoimmune diseases are diseases where the body fails to recognize itself, that is, the parts of the body that have to do with recognizing foreign invaders and assimilating them, ejecting them, killing them.

Very early in our embryonic development, we have a very special kind of life cell which we call T cells. Very early in embryonic development, they are imprinted with who you are. There are 6.5 billion of us in the world and these T cells are smart enough to recognize a difference. There may be somebody out there close to you, but nobody out there quite like you; and you try to take their body organ and put it in you, these T cells are going to recognize it as foreign and move to reject it. Sometimes for reasons we do not understand, these immune reactions in the body get confused, and they attack the body itself.

We have a large number. Lupus was probably the first widely recognized of

these diseases. What has happened is that when the body is attacked, the specific tissues of the body are attacked, they degenerate and become not useful. There is some evidence that the body develops an ability to recognize its own; and so the hope is that after this has happened, if you could replace the damaged tissues, that the person gets returned to normal function. There is enormous potential from use of stem cells, whether they are embryonic or adult, to cure many, many diseases.

The argument today is about whether it should be adult stem cells or whether it should be embryonic stem cells. We have been working with adult stem cells, Mr. Speaker, for over 3 decades, and so there have been a fair number of applications to medicine. You will hear the figure 58. We have been working with embryonic stem cells a little over 6 years. There just has not been time to make those applications, but the fact that there are presently no applications to medicine of embryonic stem cell work does not mean that there will not be and it does not mean that those applications might not be more efficacious than adult stem cell applications.

Indeed, if you will talk to the researchers and the experts in this area, they will all tell you to a man and to a woman that the potential for embryonic stem cell application to medicine should be greater than adult stem cell application just because embryonic stem cells, they are called totipotent, they can produce anything and everything that is in the body. The adult stem cells have already been differentiated, at least to some extent; and so they are limited in their potential application.

There is another very interesting potential that I do not hear often discussed of embryonic stem cells. Fifty years ago when I was studying and teaching in this area, there was an experiment where the researcher went into a mother black mouse and took a little patch of skin in the uterus from one of her little black babies and then he took that little patch of skin, and he went into the uterus of a white mouse with her white babies, and he cut a little patch of skin out of the white mouse and put in that little patch of black skin and when the white mouse was born with that patch of black skin, it did not reject it.

This gives the promise, Mr. Speaker, that there may be less rejection of tissues and organs developed from embryonic stem cells than from adult stem cells. I do not know whether this was a host or donor phenomenon. Both were embryos. All we know is that when the black skin was sewed onto the little embryonic mouse that there was no rejection. If you tried to do that after they were born, I do not know if we have determined at precisely what time they lose that ability, it certainly would have been rejected.

The debate that we are going to vote on tomorrow and the debate which was

the subject of the Special Order just before I spoke has to do with whether or not we can effect the needed cures in medicine from adult stem cells or whether we need to move to embryonic stem cells to make this happen. Early in this debate, I had a personal involvement which was kind of an interesting one.

In a former life, I got a doctorate in human physiology. I taught medical school. I did medical research. I went out to NIH in 2001, before the President made his executive order. It was an information meeting at NIH where the scientists working in this field were briefing, they were largely staff members from the Hill. I think I was the only Member there. It occurred to me that you ought to be able to take cells from an early embryo without hurting the embryo, because nature has been doing that forever as far as we know. That is what happens in identical twinning.

I would like to look at the next chart. This is two zygotes. This is not identical twinning. I just wanted to contrast this with identical twinning. This is where we have fraternal twins. They are so-called wombmates. They could be two boys, two girls, one of each. They are conceived at the same time. The mother that ordinarily sloughs one ovum a month this month sloughed two ovums and the sperm, and there are a whole lot of those, millions of them, they found both of them and they fertilized both of them and the uterus was receptive so they both were implanted in the uterus. This simply shows how they present at birth, depending upon how they implanted. If they are implanted far apart, they present one way at birth. If they are implanted very close together, they present another way at birth.

The next chart shows twins from monozygotic twins, that is, from a single zygote, from a single egg. This presentation looks very much like the dizygotic, that is from two eggs, dizygotic twins that implanted in the uterus very close together. Knowing that in identical twinning, regardless at what stage it occurs and it can occur all the way from the two-cell stage clear up to the inner cell mass and there are several stages between these two, but no matter where it occurs, the embryo has lost half of its cells and both parts go on to produce a perfectly healthy baby.

So I reasoned that it should be possible to take cells from an early embryo without hurting the early embryo and I asked the researchers at NIH, was that possible. They said, yes, of course that is possible. But with all the embryos out there that could be simply destroyed to get the stem cells, nobody had determined how easy this was to do. But they said that it certainly was doable.

A little bit later, and this was again before the President gave his executive order, I met the President at an event and I told him very briefly that I had

met with NIH, and there was this possibility that we could take cells from an early embryo without harming the embryo. He asked Karl Rove to follow up on that. Several days later, Karl Rove called me, Mr. Speaker, and he said, ROSCOE, I went to NIH and I told them what you told the President, and they told me they cannot do that.

I said, Karl, there is some problem here. Either they misunderstood your question or something because these are the same people that go into a single cell and take out the nucleus and put another nucleus in the cell. Of course they can go into a relatively large embryo and take out a cell or two. He went back to talk with them again and called me back and said, they are telling me the same thing. And so the President came out with his executive order which said that Federal funds could be used in research only on the cell lines that had been developed from embryos that had been killed in the process of developing them, that no new cell lines could begin with embryos that had to be killed.

□ 2015

This is only with Federal money, of course. The private sector can do whatever it wishes because there is no law prohibiting the use of embryos. My concern, Mr. Speaker, is that we in Congress ought to be a player in this, and now we are standing on the sidelines.

Mr. Speaker, I see that the gentleman from Georgia (Mr. GINGREY) has joined us, and I yield to the gentleman.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Maryland for yielding to me. And I think particularly at this point I wanted to interject some thoughts.

First of all, the gentleman from Maryland (Mr. BARTLETT), as he pointed out just a second ago, is a Ph.D. physiologist who taught years ago in medical school and taught physiology but, more importantly, has also taught the subject matter, which is difficult to understand. I know. I was there in medical school. And that is the subject of embryology. Embryology. Medical students get maybe in a 4-year period of time, 6 months' worth of embryology; and of course, to hear my colleague from Maryland explaining the embryologic process, it sort of takes me back to those days.

But I realize, of course, how difficult it is to understand for Members of the body. There are 435 of us, of course, and just a handful have ever taken any embryology. There are no embryologists other than maybe the gentleman from Maryland (Mr. BARTLETT) in the body; so it is not an easy concept to understand.

But what I hear my colleague tell us, Mr. Speaker, is that it is possible to get stem cells from an embryo without destroying the embryo. Is it being done today? No, it is not being done today because, quite honestly, it is easier to

scramble an egg than to do one over easy.

It is a little more difficult. It will take some study. And we are not talking about long, many years, science fiction at all; and the gentleman from Maryland explained it very clearly. We are close. We need a little research, nonhuman primate research, but we are a lot closer to this possibility than a lot of our colleagues and the general public understand.

Mr. Speaker, I want to share with my colleagues, as an OB/GYN physician, there is a procedure that probably has been done for at least 10, 12, maybe 14 years now. There is an acronym; everything has an acronym. It is called ICSI, intracytoplasmic sperm injection.

What do I mean by that? An infertile couple where the problem is male infertility and a low sperm count. A normal sperm count is 60 million. That is a lot. When we get below 1,000, it is very difficult and the chances of a natural conception are markedly diminished at that point.

But with this ICSI technique, they literally can obtain sperm by a biopsy in someone who has just a few sperm, not 1,000, not 60 million, but maybe just a few; and take one sperm from that biopsy and under the proper laboratory techniques, maybe a specialized microscope, take the wife's egg and inject that sperm with a needle, with a very fine needle, under the microscope. Intracytoplasmic sperm injection, and all of a sudden an embryo is created. Life is created. A child is created. And after several days in cell multiplication, as the gentleman from Maryland (Mr. BARTLETT) was explaining, then that is implanted in the mom's uterus, and the miracle of birth can occur for that couple.

We are not talking about a procedure, ICSI, that is being done exclusively at the National Institutes of Health. This is being done right in my community of Marietta, Georgia, by reproductive endocrinologists, those doctors who specialize in infertility and doing those kinds of things; and it has been going on for 10, 12 years now.

So this is an opportunity to come and share this time with my colleague and say that this is not Star Wars. For goodness sake, we put a man on the moon in 1969. There is a way to do this. That is to obtain embryonic stem cells without destroying or indeed even harming the embryo, and that analogy, that explanation of twinning and how the mono-zygotic single egg identical twin that the egg divides at a certain stage; and indeed, they are taking away 50 percent of the cells, and in most instances, if the division is complete, they have two perfectly identical, beautiful children that develop. I know. I have got two precious identical twin granddaughters now who are 7 years old, Mr. Speaker. They were born at 26 weeks, right at that point where it is perfectly legal with very little prescription in our respective States to destroy those lives.

So this is a hugely important thing to me, and I thank my colleague for pointing out the fact that we are not that far away. With a little study, a little funding to be able to develop this technique of obtaining these stem cells, these totipotent cells, as he described, without scrambling the egg and doing it the easy way, the simple way, killing the embryo, which is destruction of life. It is not necessary.

And we are going to be talking, Mr. Speaker, tomorrow in this Chamber about the great successes that we are achieving today with stem cell technology, but not embryonic stem cells. The results there have been pretty dismal. We are talking about the great success, 58 different research endeavors where progress has been made in these various diseases that the gentleman from Maryland (Mr. BARTLETT) described, utilizing either stem cells obtained from umbilical cord blood or from adult stem cells, bone marrow and other tissues.

So this is why it is so important for our colleagues to hear from the gentleman from Maryland (Mr. BARTLETT) and to think about this, to understand exactly what he is saying, because I think it is really on point and very timely.

Mr. BARTLETT of Maryland. Mr. Speaker, I appreciate my colleague's coming and entering into this discussion.

Before leaving this little experience with NIH, I will, Mr. Speaker, submit for the RECORD a letter which I received today from Dr. Battey, who is the spokesman for embryonic stem cell at NIH, and what the letter says is, and I will come back to it in a few moments to read a couple parts from it, that what we are proposing to do is certainly possible; that there is no medical or scientific impediment to doing this. I just wanted to put to bed the suggestion that NIH says what we are doing cannot be done in spite of the fact that that is what Karl Rove thought they said.

In my office just a few months ago, NIH kind of sheepishly admitted that there was some misunderstanding in conversation because they had never said that we could not go into an early embryo and take a cell. What they had said, which is true, which is why I am proposing this research, was that we have never developed a stem cell line from that early an embryo. Ordinarily, we develop a stem cell line from the inner mass cell stage of the embryo. But the earlier we get the stem cell, the more totipotent it ought to be and the more efficacious it ought to be in treating the diseases.

I have here, Mr. Speaker, a little diagram which shows the ontogeny, the development of the embryo. It begins, of course, with the egg that comes from the mother, the oocyte, and then the sperm, and it shows only four or five there. There will be millions there, I assure my colleagues. And there is really a miracle that occurs here be-

cause as soon as one of them penetrates that egg, there is a big barrier put up so that there is no other candidate. It would be quite disastrous if two of them penetrated that egg because that would create an embryo which would certainly die.

And then the egg, called a zygote, goes on to develop, and it is two cells. And it may split here to make two babies, by the way, identical twins. And then the four-cell and then the eight-cell stage. It is at the eight-cell stage, and I am jumping a little ahead here, it is at the eight-cell stage in a petri dish.

This is what happens in the body. If this kind of thing happens, they can fertilize it in a petri dish. It is at this eight-cell stage in more than 1,000 times now in clinics. It started in England. It is now in this country. They have gone into the eight-cell stage and taken out one cell. They might get two. And they then do a preimplantation genetic diagnosis on that. In other words, they determine whether or not there are any genetic defects like Down's disease, for instance, in which case they would not want to implant that embryo. They do this for the benefit of their baby because one would not want, if they had a choice, to bring a child into the world that was going to have a less than optimum quality of life because they had a genetic defect.

This is not genetic engineering. Genetic engineering is when they change the genetics. All they are doing here is seeing what genetics are there, and if there is no deficiency in the genetics, they implant the six or seven cells that remain, and more than 1,000 times they have had a normal baby.

All of this happened in the intervening years between 2001 and now. This may have been going on when I talked to the President and when I talked to NIH. I did not know that it was going on, but just a few months ago, this report came out, and now I spent the other day, for a half-hour, probably, talking with two investigators here in Virginia who are doing this.

I just want to spend a couple of moments talking about the debate. The debate is between the use of discarded embryos that the proponents, and that is what the bill is tomorrow, say are going to be thrown away anyhow and why do we not get some good from them by developing stem cell lines from them since they are going to be discarded anyhow?

The argument on the other side is twofold. First of all, it is not certain they are going to be discarded because they can be adopted. What is it? Operation Snowflake where parents can adopt one of these embryos and have them implanted in a mother other than the one from whom the ovum was taken. So it is not certain that they are going to be discarded.

The other challenge to this is that this is a life. In the proper environment, this is a human being. It is an



embryo. Put it in the mother's womb, and it will become a very distinct human being, unlike any other out of the 6.5 billion people in the world. And there are those who feel that it is immoral. The President is among them, and he has said this, that it is immoral to take one life so that we might help another.

The good news is, as the gentleman from Georgia (Mr. GINGREY) said, we do not have to do that because we can take cells from an early embryo without hurting the embryo.

By the way, umbilical cord blood stem cells are not an alternative to embryonic stem cells. Just a little quote here. This is from a scientist at the Johns Hopkins University School of Medicine, one of the best medical schools in the world: "As a physician-scientist who has done research involving umbilical cord blood stem cells for over 20 years, I am frequently surprised by the thought from nonscientists that cord blood stem cells may provide an alternative to embryonic stem cells for research. This is simply wrong," he says.

Do they have a place in treating? Yes, they do. But they are not a substitute for embryonic stem cells, and he makes that very plain.

Opponents of embryonic stem cell research suggested that 58 diseases have been successfully treated using adult stem cells. That is true.

I asked NIH, is that true that we had 58 treatments from adult stem cells and none from embryonic stem cells?

□ 2030

They said yes, that is true. I said, why is that true? That is true because we have had more than 3 decades' experience with adult stem cells, and just a little over 6 years' experience with embryonic stem cells. There simply has not been time. All of the 58 listed, all of them, are represented by organizations that support stem cell research. So what this says is that all of those physicians that are involved with these 58 applications of adult stem cells, all of them support stem cell research.

The argument on the other side is that it is immoral, that we should not take one life to support another life; and in making those claims, they state the following: this kills human embryos. It does. You may not think that is a problem. You may not see this little bit of life that holds the miracle of chromosomes and against that will develop the whole unique individual, not like any other. Out of 6.5 billion in the world, you may not see that as human life, but it clearly is. It kills a human embryo. You may be okay with that, you may not be, but a great number of people are not okay with that.

They argue that H.R. 810, which is the bill we will be voting on tomorrow, is an empty promise because the embryonic stem cells have not treated a single human disease, and that is true. We just gave the reason for it: they have not been worked with long enough

to know whether they can treat a disease or not.

H.R. 810 does not have 400,000 discarded embryos to use, that is true; and the statement is made that if you used these 400,000 embryos, you would only get 275 stem cell lines, and that is because only 2.8 percent of them have been donated for research. That gets you down to 11,000, not 400,000. Only 65 percent of those will survive the thawing. They are frozen. This is not an event that is not traumatic. It is very traumatic to the embryos. A third of them do not survive the freezing and rethawing.

Twenty-five percent of those that are still alive after they thaw, only 25 percent will go on through this development stage, through the blastula, gastrula and so forth, so they can be implanted. Then, even if it has gone that far, in one trial only one out of 18 attempts produced a stem cell line, and in another trial only three out of 40 produced a stem cell line. So that now gets you down to about 275.

Yes, we have not developed perfection yet in these techniques; but 275 stem cell lines is more than 10 times more than all the stem cell lines we have now, which, by the way, I think are almost all in this country contaminated with mouse feeder cells.

I see that we have been joined by my colleague from Nebraska. I would be happy to yield to the gentleman from Nebraska (Mr. OSBORNE) for his comments.

Mr. OSBORNE. Mr. Speaker, I thank the gentleman very much and applaud him for his effort. I have been able to listen to most of what was said tonight. Obviously, the gentleman has a tremendous depth of scientific understanding. I do not have that depth, but I would just like to reflect on the dilemma that many Members will be placed in tomorrow as we decide on this particular vote.

As the gentleman has mentioned, those who are in favor of embryonic stem cell research, many of them are people who have children who have juvenile diabetes. There are many who have parents or others with Parkinson's or Alzheimer's and Lou Gehrig's disease and so on. We have heard from these people personally, and our hearts go out to them. We have heard that 400,000 embryos are going to be discarded anyway, and on and on and on.

Yet, on the other side of the argument, as the gentleman has amplified so well, there are some other dilemmas. One thing that is of concern to me is when is a life a life? Obviously, we would not take a 2-year-old and do any harm to that child; we would not experiment on that child. We would not do it to a 1-year-old. Probably, in many cases, most of us would say an 8-month-old fetus would not be appropriate to do some harm to. But where is it that you draw the line? Is it at 6 months? Is it at 4 months? Is it at 1 month? Is it at 1 week?

So therein lies the horns of the dilemma. So many of us are of the per-

suation that you really cannot draw that line. When a life is a life is at conception, and therefore you have to respect life. There is a certain sanctity of life.

So, again, the arguments will range wide and far tomorrow. Some will say that embryos can be adopted, and they can. So whether we have 400,000 or 20,000, maybe 1,000, maybe 10,000, maybe 15,000, maybe more than that will be adopted out.

Many will argue that adult stem cells are more productive in research. As the gentleman has pointed out so effectively here, some of that has to do with the length of time of research. There is no question. But there is no question that adequate resources and adult stem cell research will produce results.

There is also the question about private funding. There is no restriction on private funding on embryonic stem cell research. If it is so promising, then why has the private sector not stepped up, because obviously there are huge profits to be made if you have some type of a cure for juvenile diabetes or Alzheimer's or whatever; and yet we do not seem to see that afoot.

Then I guess the last thing that I would mention is that there is the ethical question, should we use public funds in doing research that is so divisive, that has so many people on both sides of the fence? It seems we should have more unanimity in using public funds to do this type of research.

So I applaud the gentleman for the proposed legislation that he has before us, because in this legislation is the prospect of using embryonic stem cells without destroying the embryo. Of course, that removes the dilemma on both sides. So we think that the legislation, even though it is in its early stages, certainly has great promise and is one that we ought to pay very close heed to and one that would certainly be much more appealing to me than the other alternatives at the present time.

Mr. Speaker, I just wanted to come down briefly and let the gentleman from Maryland (Mr. BARTLETT) know I appreciate his efforts. I have read the White House white paper. I understand most of what is in there.

One other thing that is also mentioned is the fact that when these frozen embryos are thawed out, many of them die, as the gentleman mentioned; and some of those apparently will yield stem cells in the early stages.

Anyway, Mr. Speaker, I thank the gentleman again for this legislation.

Mr. BARTLETT of Maryland. Mr. Speaker, reclaiming my time, I thank the gentleman very much.

Mr. Speaker, let me yield to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding, and I thank my friend, the gentleman from Nebraska (Mr. OSBORNE), for being here with us tonight and for his very, very pertinent remarks in regard to where do you draw the line as far as life.

I have heard people on the other side of this argument say, well, we are talking about getting these stem cells, and they are not really embryos, they are pre-embryos.

Maybe our Ph.D. physiologist knows about the definition of pre-embryo, but I never learned that in embryology or any medical school course I took or in my obstetric and gynecology training and my 30 years of experience in the field. An embryo is an embryo. An embryo begins at the moment of conception when that sperm and egg come together. That is the embryonic stage.

Really, an embryo, that stage lasts until the birth of the child. Now, you can differentiate and say at 8 weeks or 10 weeks we start calling it a fetus, but there is no, to my knowledge, definition of a pre-embryo.

I wanted to just kind of follow on the gentleman from Nebraska's remarks. We are hearing a lot now about we have to catch up, Mr. Speaker, that we are behind. The South Koreans have come up with therapeutic cloning and they have cloned an embryo and they are going to get embryonic stem cells from a cloned embryo, and we are getting further and further behind.

The thing that the American public maybe does not understand is that when they are asked the question, are you for embryonic stem cell research that can cure some of these dreaded diseases, my colleagues have talked about, naturally the response is going to be, oh, yes. And use Federal funding for that? Sure. We are going to cure juvenile type I diabetes, and Christopher Reeves, God rest his soul, we are going to restore the function of his limbs, and we are going to cure Alzheimer's.

But I think so many people, Mr. Speaker, and even some of our colleagues, need to understand that in getting those embryonic stem cells, the life is destroyed. And when you ask that question, well, wait a minute now, if you are talking about sacrificing one life to get these cells in hopes that they might lead to at some point in the future a cure, no, I am not for that.

So I think we need to be very clear by it, Mr. Speaker. We need to make sure that people understand that the harvesting today and the way it is done and the way it is proposed and the way we are hearing from the Castle-DeGette bill we are going to discuss tomorrow is using Federal dollars, taxpayer dollars, where people had no choice, they had to pay their taxes, we are going to use those dollars to fund research that involves the destruction of human life, a little, tiny infant, who with a little bit of luck and ingenuity could grow up and be a Member of this body some day. We were all, were we not, embryos at one time. Of course we were.

And when you get this and you start down this slippery slope in regard to what the South Koreans are doing, suppose, Mr. Speaker, that the harvesting of these stem cells from these cloned embryos that the results are not very

good, as they have not really been very good in the embryonic stem cells we have retained from these so-called throw-away babies, these 400,000 in these fertility clinics. The results have not been that good. That is why the gentleman from Nebraska said that most of the private funding is going toward adult stem cells.

But what I am saying, and I will wrap this up pretty quickly because I know the gentleman's time is running short, in these cloned embryos, if it is not working too well with the fetal cells, the embryonic cells, why not let these babies develop, maybe to the point 26 weeks, the stage at which my precious twin granddaughters were born, and then you have got an organ that you can transplant, a liver, a pancreas, and you can then just simply destroy the child at that point and take their organs?

This is a slippery slope upon which we are about to start if we do not defeat this bill tomorrow, and the gentleman from Maryland (Mr. BARTLETT) has an alternative to this, and it is something that I think is timely and it is good and I commend him for his efforts.

Mr. BARTLETT of Maryland. Mr. Speaker, reclaiming my time, I thank the gentleman.

I have here a very recent report, "Alternative Sources of Human Pluripotent Stem Cells," a white paper by the President's Council on Bioethics, and the next chart shows page 25 from this.

The highlighted part says: "It may be some time before stem cells can be reliably derived from single cells," the process we have been talking about, "extracted from early embryos and in ways that do no harm to the embryo," thus biopsy. "But the initial success of the Verlinsky Group's efforts at least reaches the possibility that embryonic stem cells could be derived from single blastomas removed from early human embryos without apparently harming them."

Then there is an asterisk, and if you go to the bottom of the page it says: "A similar idea was proposed by Representative ROSCOE BARTLETT of Maryland as far back as 2001 before the President gave his executive order."

There are four potential sources listed here. This source is number two. They do a very good job of discussing this in the body of the text. They talk about parents going for pre-implantation genetic diagnosis. They talk about the possibility that you could develop from the cell or cells taken a repair kit.

□ 2045

This is a fascinating potential. This is why we are collecting and freezing umbilical cord blood, because we hope that through the life of that person, there might be some opportunity to use stem cells. They are not embryonic, they have limited application, but maybe, just maybe, we could

produce something that would help that person later on with a disease.

But in this case, if they did preimplantation genetic diagnosis and if they developed a repair kit from that, then all that we would ask for is that a few surplus cells from the repair kit could be made available for a new stem cell line.

But that is not even what our research, our paper, our bill asks for. What our bill asks for is simply Federal money to do research on animals, on nonhuman primates, that is, the great apes, which genetically are remarkably similar to humans, if it works there, it probably would work in humans, to determine the efficacy and the safeness of doing this.

Unfortunately, if all that you read was their recommendations, you would be disappointed, because they never therein mention that the parents have made an ethical decision to make sure they do not have a baby with a genetic defect, the parents who made a decision to establish a repair kit so that their baby at any time during their life could have available compatible tissue to fix a medical problem. They simply state in their recommendation section that they consider it unethical to go to an embryo and take a cell out of it just to establish a stem cell lot.

It must be that a different person wrote the recommendations at the end as compared to the person or persons that wrote the text in the front, because they certainly should have mentioned the parents' decision to develop a repair kit, the parents' decision to make sure that their baby did not have a defect. These are decisions that parents make, I think, ethically to the benefit of their baby and for all that we would hope in the future. And, again, our bill deals only with animal experimentation to determine the efficacy and the reliability of doing this.

The next chart shows another development chart, and I would just like to reemphasize: Now, imagine this is not in the mother; this is an infant dibulum, in the ovary and the fallopian tube here. Imagine that this is in a petri dish and not in the mother, and we fertilized the egg, and it has now developed to the eight-cell stage, and we can take a cell from that stage and do a preimplantation genetic diagnosis. Maybe, as the authors of the white paper said, you could develop a stem cell line from that. We do not know. They simply have not tried. It has been too easy to take and kill embryos to get stem cell lines from them.

There is one other ethical argument that maybe is a problem, Mr. Speaker. They address this in the President's white paper. They do not think it is a problem. When you read that white paper you will see that they are bending over backwards to satisfy all of the concerns that even the most concerned prolife person could have. They do not believe that you could develop an embryo from a single cell.

But if we waited a little later, and I have asked the researchers, the medical people who are doing this preimplantation and genetic diagnosis, if they could wait until the inner cell mass stage, if they could wait until the inner cell mass stage to take the cell. Now we avoid even that potential ethical argument, because we already have a differentiation that has occurred. There are now two kinds of cells in what we call the embryo. There is the inner cell mass, which will become the baby; and then there is the rest of the trophoblast which will become the decidua. The decidua is the amnion and chorion.

Now, you cannot have a baby without amnion and chorion; it cannot grow. So if you take cells only from the inner cell mass, they could never become an embryo because these cells have lost all of their ability to produce the decidua, but they retain all of the ability to produce the cells of the body, the great variety of cells in the body.

I am prolife. I have an impeccable, 100 percent prolife voting record. I would not be here on the floor today talking about a possible solution to this debate if I did not think that this was perfectly ethical and probably perfectly doable.

I hope, Mr. Speaker, that a number of my colleagues will sign on to our bill. We are going to hold this until about noon tomorrow, because we would like to get as many prolife signers as possible.

If the other bill reaches the President's desk, no matter what he decides, some people are not going to be happy. If he vetoes the bill, as he has said he would, then all of those Americans, and I believe it is a majority, as there will be a majority tomorrow that vote for H.R. 810, will wonder why it is not okay to take these embryos that hardly look like a baby, just eight cells, to take these embryos, and they are going to be discarded anyhow. And given the two arguments, they may not be discarded, they may be adopted, and at the end of the day, you are taking a life.

If you think it is okay to take one life to help another, that is okay, but a lot of people do not think that is okay. On the other hand, if he lets it become law, then he is going to offend all of those prolife people who really see this as life.

What I hope, Mr. Speaker, is that my bill can be on the President's desk when he is faced with the unhappy choice that he will have with this bill, so that he can now say, Gee, I have a bill which supports what I want, and that is embryonic stem cell research without harming an embryo.

We are not ready yet to work with humans. This bill addresses only animal experimentation. But as we saw earlier, Mr. Speaker, from this chart that we had from that page of the white paper, let me put that back up because I think it makes the point, it may be some time. That is why we

have researchers and that is why we have money from NIH, because it may be some time before stem cell lots can be reliably derived from single cells. They believe that it is possible to do that. It may take some time, taken from early embryos in ways that do not harm the embryo. As we have pointed out, they will be taken to benefit the embryo, to do preimplantation genetic diagnosis and to develop a repair kit for the embryo.

But the initial success of the Verlinsky group's efforts at least raises the future possibility that pluripotent stem cells could be derived from single-blast embryos removed from early human embryos without apparently harming them. Indeed, if it is taken for preimplantation genetic diagnosis and to establish a repair kit, not only are they not harmed, they are benefited by it.

Mr. Speaker, I know that all America will be watching this debate; they just voted \$3 billion in Alaska to pursue this. I believe we can pursue all of the potential miracles that could come from embryonic stem cell research and applications to medicine without harming embryos, and I urge an early vote and adoption of this bill.

Mr. Speaker, I submit the following for the RECORD:

DEPARTMENT OF HEALTH  
AND HUMAN SERVICES,  
Washington, DC, May 23, 2005.

Hon. ROSCOE G. BARTLETT,  
Rayburn House Office Building,  
Washington, DC.

DEAR MR. BARTLETT: I am pleased that Drs. Allen Spiegel and Story Landis were able to meet with you, Mr. Otis and Mr. Aitken during your visit to the National Institutes of Health (NIH) last month to discuss ways to derive human embryonic stem cells (hESCs). Drs. Spiegel and Landis were serving as Acting Co-Chairs of the NIH Stem Cell Task Force during my leave of absence from this position. Earlier this month, I returned to chair the Task Force. NIH shares your enthusiasm on the therapeutic potentials of hESC research and thank you for your continued support of this field.

Drs. Spiegel and Landis briefed me about your April 26th meeting. I am also aware that you have had previous meetings with NIH officials, including myself, Lana Skirboll and Richard Tasca, on this topic. You propose the possibility of using a cell (or two) removed from the 8-cell stage human embryo undergoing pre implantation genetic diagnosis (PGD) to: 1) create a "personal repair kit" made up of cells removed from the embryo and stored for future use; and 2) for deriving human embryonic stem cell lines.

You suggested that creating hESC lines in this manner would avoid ethical questions surrounding the fate of a human embryo. Live births resulting from embryos which undergo PGD and are subsequently implanted seem to suggest that this procedure does not harm the embryo, however, there are some reports that a percentage of embryos do not survive this procedure. In addition, long-term studies would be needed to determine whether this procedure produces subtle or later-developing injury to children born following PGD. Also, it is not known if the single cell removed from the 8-cell stage human embryo has the capacity to become an embryo if cultured in the appropriate environment.

NIH is not aware of any published scientific data that has confirmed the establishment of hESC lines from a single cell removed from an 8-cell stage embryo. We are aware of the published research of Dr. Yuri Verlinsky in the Reproductive Genetics Institute in Chicago that showed that a hESC line can be derived by culturing a human morula-staged embryo (Reproductive Bio-Medicine Online, 2004 Vol. 9, No.6, 623-629, Verlinsky, Strelchenko, et al). It is also worth noting, however, that in these experiments, the entire morula was plated and used to derive the hESC lines. The human morula is generally composed of 10-30 cells and is the stage that immediately precedes the formation of the blastocyst.

At the April 26th meeting, NIH agreed that such experiments might be pursued in animals, including non-human primates. That is, animal experiments could be conducted to determine whether it is possible to derive hESCs from a single cell of the 8-cell or morula stage embryo. To date, to the best of our knowledge no such derivations have been successful. NIH also does not know whether these experiments have been tried and failed in animals and/or humans and, therefore, have not been reported in the literature. NIH agreed to explore whether there have been any attempts to use single cells from the 8-cell or morula stage of an animal embryo to start embryonic stem cell lines by consulting with scientists that are currently conducting embryo research. From these discussions, these scientists believe it is worth attempting experiments using a single cell from an early stage embryo or cells from a morula of a non-human primate to establish an embryonic stem cell line.

Of note, a recent 2003 paper from Canada shows that when single human blastomeres are cultured from early cleavage stage embryos, before the morula stage, that there is an increased incidence of chromosomal abnormalities. Even with hESCs derived from the inner cell mass of the human blastocyst, the odds of starting a hESC line from a single cell are long, perhaps one in 20 tries. Thus, the odds of being able to start with a single cell from an 8-celled or morula staged embryo are equally challenging. This would make it difficult to accomplish the goal of establishing "repair kits" and hESC lines from any single PGD embryo. (Fertil Steril, 2003 June, 79(6): 1304-11, Bielanska, et al). It is possible, however, that improvements in technologies for deriving and culturing hESCs may improve these odds.

NIH concludes that the possibility of establishing a stem cell line from an 8-cell or morula stage embryo can only be determined with additional research. NIH would welcome receiving an investigator-initiated grant application on this topic using animal embryos. The Human Embryo Research Ban would preclude the use of funds appropriated under the Labor/HHS Appropriations Act for pursuing this research with human embryos. As with all grant applications, the proposal must be deemed meritorious for funding by peer review and then will be awarded research funds if sufficient funds are available. It also bears keeping in mind that it may take years to determine the answer.

At the April 26th meeting, you had mentioned that twins can develop when the inner cell mass splits in the blastocyst and forms two embryos enclosed in a common trophoblast. You asked if cells from the inner cell mass could be safely removed without harming the embryo. In animal studies, it has been shown that the blastocyst can be pierced to remove cells of the inner cell mass and the embryo appears to retain its original form but it is not known whether the embryo will result the birth of a healthy baby. Since this experiment in

human embryos at either the morula or the blastocyst stage would require evaluations of not only normal birth but also unknown longterm risks to the person even into adulthood, it would have to be considered a very high risk and ethically questionable endeavor. Because of the risk of harm, this research would also be ineligible for federal funding.

You had also asked NIH about the latest stage in development that an embryo can be artificially implanted into the womb. We know that infertility clinics transfer embryos at the blastocyst stage (approximately Day 5 in human embryo development) as well as at earlier stages.

Finally, I am providing an additional resource that was discussed at the April meeting. I have enclosed a copy of a recently released white paper developed by the President's Council on Bioethics (PCB) on Alternative Sources of Human Pluripotent Stem Cells. In this white paper, the PCB raised many ethical, scientific and practical concerns about alternate sources for deriving human pluripotent stem cells without harming the embryo. Your proposal is specifically discussed in this report.

I hope this information is helpful.

Sincerely,

JAMES F. BATTEY, Jr.,

*Chairman, NIH Stem Cell Task Force.*

Enclosure.

### 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again, it is an honor to be here before the House of Representatives and have an opportunity to speak to the Members and to the American people.

Mr. Speaker, we would also like to thank the Democratic leader, the gentlewoman from California (Ms. PELOSI), along with the Democratic whip, the gentleman from Maryland (Mr. HOYER), and our chairman, the gentleman from New Jersey (Mr. MENENDEZ), the chairman of the Democratic Caucus, and also the vice chair, the gentleman from South Carolina (Mr. CLYBURN) for providing the kind of leadership that Americans need and want here in this great country of ours.

This week, as every week, we come to the Floor, the 30-something Working Group that was formed in the 108th Congress by Leader PELOSI to talk about the issues that are not only facing the 30-somethings, but also facing the American people in general.

We also come to the Floor, along with the gentleman from Ohio (Mr. RYAN), my good friend, we come to the floor to be able to talk about a number of issues, not only Social Security, but also student loans; to talk about issues facing the environment, as well as the ever-growing debt, which is always on our agenda.

Without any further ado, I would say to the gentleman from Ohio (Mr. RYAN) how much I appreciate the fact that he commits, and our good friend, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), who will not be

here tonight, every night to come to the floor to share good and accurate information not only with the Members of Congress, but with the American people.

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for the opportunity too.

In the past several months, really since the beginning of the year, the President initiated a Social Security plan that he wanted to promote to the country, to say that privatization, these private accounts were going to be the answer to the Social Security solvency problem. We have been, just about every week since the beginning of the year that we are in session here in Washington, we have been talking about why the President's privatization scheme really is not the answer for the country.

The President, when he initiated this discussion after the election, began to say that it was a crisis and it was a crisis for the country that we all needed to address. What we want to do tonight is, we want to begin by saying that Social Security is a solvent program. There is no crisis within the Social Security program. Do we need to make some minor adjustments? Of course, we do. Do we need to tinker with the program? Yes, we do. But is there a crisis there? We really do not think so.

So tonight we are going to begin to talk a little bit about why Social Security is a solvent program and show a few numbers that we have shared with the American public every week that we have been on, but also to get into some of the areas where we believe a crisis does exist in this country that needs immediate attention.

So we have this graph here that basically shows that Social Security is secure for many, many decades to come. These are facts. These are the Congressional Budget Office numbers that they have given us.

The CBO is a nonpartisan organization, a nonpartisan group, and if they would lean one way or the other, the Republicans control the House, the Senate, and the White House, so if they are going to lean any one way, which I do not believe that they do, they would certainly lean in favor of making it look like Social Security is less secure than it actually is.

So this graph here, we can see it starts in 2005, and it goes to 2075, so it gives us a 70-year span. And from 2005 to about 2047, 2048, 2049, right in there, if we do absolutely nothing with Social Security, Social Security recipients will still receive 100 percent of their benefits. And all in the blue here. So from 2005 to the late 2040s, if we do absolutely nothing with the program, if we do not touch it at all, we are still going to get 100 percent of our benefits up to the late 2040s, 2047, 2048. So at 32 years old, after 40 years, I will be 72 years old, just about 72, on Social Security. So I will be guaranteed, if we do nothing, to at least get 100 percent of what I would earn right in here, or

someone else who is 32 years old. Then, after that, from the late 2040s into 2075, one would still receive 80 percent of one's benefits if we did nothing.

So what we are saying on this side of the aisle is, is there a problem? Yes, of course. From 2047 to 2075 and beyond a recipient would only get 80 percent of what they should be getting now. So that is a problem.

Is that a crisis? No, that is not a crisis. Something that happens 40 years from now is not a crisis. What we want to do is just show tonight that this is not a crisis; 100 percent of the benefits will be paid until the late 2040s and, beyond, still get 80 percent.

So if the President wants to sit down and work out a program, we are going to be able to deal with this 80 percent issue here coming 40-some years from now, and we will sit down and talk with the President.

□ 2100

But, unfortunately, the plans that are floating around Congress cut into the 100 percent benefits here and begin to reduce some of the 100 percent benefits there.

Mr. MEEK of Florida. Mr. Speaker, I would say to the gentleman from Ohio (Mr. RYAN), just one moment. I want to ask just a quick question. What is a crisis? I mean, the President is saying, and some of the Members of the majority side leadership are saying that Social Security is in a crisis. And I cannot help but look in the dictionary when we start talking about crisis, because a crisis, there are a number of things that we can point out that are actually a crisis. And as the gentleman from Ohio knows, we received some e-mails that I hoped the gentleman would read early in our Special Order here. But we took a look at Webster's and exactly what does crisis mean. And basically it says, an unstable situation of extreme danger or difficulty.

Now, 40 years from now, as the gentleman from Ohio had the other chart here, I could say that it would be a crisis if Social Security, like the administration and the majority side use words like, is going bankrupt. What does bankrupt mean? Bankrupt means that there is no money coming in or no money going out, and it is tomorrow, and it is eminent danger.

Mr. RYAN of Ohio. There is no money.

Mr. MEEK of Florida. There is no money. And I can tell the gentleman from Ohio right now, from what the gentleman has just said, and it is not just the gentleman from Ohio's (Mr. RYAN) report. That is from the Congressional Budget Office of this House of Representatives that put forth the kind of information that we need here in Congress, that we need to share with the American people and the Members of this Congress.

I think it is also important to understand that, yes, we do want to work on Social Security and strengthen Social Security on this side of the aisle, but

we will not buy into the rhetoric of a crisis.

I would say to the gentleman from Ohio (Mr. RYAN), a crisis, in my opinion, is what we are in on the deficit. We are at a crisis level when it comes down to the deficit. Highest deficit in the history of the Republic.

You want to know what a crisis is? And I hope that we continue to share this with our colleagues. A crisis is that family right now that is a part of the 46 million American families that are working that do not have health insurance. That is a crisis. A crisis is the fact that small businesses cannot provide health care insurance for their employees. Many businesses are telling their employees you can get a better plan if you apply for Medicaid. That is a crisis.

Furthermore, if you want to talk about a crisis, a crisis is families trying to put gas in their tank. That is a crisis, because some families have had to put their car down to try to figure out some sort of way that they can be able to take their kids to school or football or soccer or Boy Scouts or Girl Scouts, to be able to conduct themselves in the way that they want to. That is a crisis, these gas prices that have doubled and tripled in some cases.

And then we talk about issues that are facing our veterans. Providing health care for our veterans, that is a crisis. And so there are a number of issues that are out there. And I say to the gentleman from Ohio (Mr. RYAN) this whole issue of abuse of power, I am sorry, I just want to point out a few things.

Mr. RYAN of Ohio. Nothing to be sorry about.

Mr. MEEK of Florida. Because we are, I think those of us that are in 30-something, and Members of the Congress, are sick and tired of individuals in Washington using Social Security as though there is some sort of imminent danger or, going back to the definition, an unstable situation.

Mr. RYAN of Ohio. And I thank the gentleman. And let us take the definition and apply it to this chart. A crisis is an unstable situation of extreme danger, or difficulty. Unstable situation.

Now, how could you call this, 100 percent of the benefits for the next 40 some years, how is that an unstable situation? It is a very stable situation. And I would even argue that 80 percent, without doing anything, 45 years from now is not unstable. That is a stable situation. It needs to be dealt with. But extreme danger or difficulty? How could you call from 2005 to the late 2040s extreme danger or difficulty? It does not apply here. And using the word "crisis" is extreme, and it is trying to scare the American public. And you see it in the poll results. The American people are beginning not to buy it.

Now, we could even try to go to the second definition of what a crisis is, a crucial stage or turning point in the

course of something. There is no crucial stage or turning point that needs to happen here. We are not on a brink here that we have got to change something immediately. There is no crisis here. And as the gentleman from Florida (Mr. MEEK) stated very eloquently, there are many more issues that I think we need to deal with.

And there was one other thing, and we are kind of moving things around a little bit here, that I want to share just briefly.

Mr. MEEK of Florida. I would say to the gentleman from Ohio (Mr. RYAN) just briefly, but before the gentleman moves from that chart, I think I know the reason why some in Washington want to try to fool the American public that there is a crisis, because we have individuals that are on Wall Street that have been guaranteed, if the President has his way, if the majority side leadership have their way, that they will receive over the next 20 years \$944 billion worth of the taxpayers' money in risky investment, Social Security. So I think that is the crisis of trying to close the deal before the term runs out on the present President and the term may run out on the present leadership.

But I can tell the gentleman from Ohio (Mr. RYAN), I want to talk, when the gentleman is finished, when the gentleman makes the point that the gentleman is about to make, I want to make sure that we share with the Members, if we had the opportunity to lead, not necessarily you and me, but the Democratic side, working with some of our Republican friends that understand the importance of making sure that we work for all Americans and making sure that Social Security is strengthened.

Mr. RYAN of Ohio. Well, I thank the gentleman. And after this we are going to move on to what we believe that the real issues are that need to be dealt with immediately, issues that we think are causing unstable situations, issues that we think are providing extreme danger or extreme difficulty for families here and issues, quite frankly, that we think the country is at a crucial stage or at a turning point on. We want to talk about what we believe those issues really are.

Now, last week we asked Americans who were watching to write in and to e-mail us with what they thought were the immediate issues that needed to be dealt with, what was the crisis that they believed the country needed to address. And I am just going to share a couple of these because we want to get into some other issues. Mrs. Richard from Kansas said she had been watching and listening to our program on C-SPAN. Our country now has so many needs. And we asked her to give them to us and she said, I will write them to you.

To me, the number one need is to get out of Iraq. Stop losing lives and spending money. That may be a crisis. Probably is. After that, health care, fixing

our national deficit, which we are definitely going to get into tonight, and many more things that need to be fixed. She appreciates the concern.

Christie Fox, from the gentleman's great State of Florida, she is a second generation American. And on C-SPAN you asked for our comments or suggestions on what we think is important to America. Safety, the environment, the oceans heating and rising, need for solar power, recycling, windmills, fuel efficient vehicles, terrorism, which is a major issue that we are not really dealing with here, and to keep God in America. Great issues that we think may be or will have more of a profound effect if we address them immediately.

So, again, we ask the citizens who are out there tonight to give us an e-mail, what you believe to be your crisis of choice, that is, something that we need to deal with immediately in the United States of America. Send us something.

30somethingdems@mail.house.gov. That is the number 30, the word "something," and then dems, D-E-M-S @ mail.house.gov. Send us what you think, because, quite frankly, we do not believe that Social Security that is solvent for the next 45 years and will pay 100 percent of the benefits and then for the next 20-some years and into the future will still provide 80 percent is not a crisis.

Mr. MEEK of Florida. Mr. Speaker, I think it is important that we bring about great clarification of our message to make sure that individuals do not get confused of what the real issue here is. The real issue, I think, the reason why individuals want to, leadership on the majority side and the White House, want to talk about a crisis situation in Social Security is because they do not want to talk about health care. They do not want to talk about the issues that many Americans have to deal with on a day-in-and-day-out basis. I call it drugstore health care; when your child is sick, because you do not have health insurance, 46 million Americans without health insurance that are working families without health insurance, they have to go to a CVS or a Walgreens or a Rite-Aid or whatever the case may be, or Wal-Mart pharmacy, to make their kids better or try to hope that they just have a cold because they do not have the proper health care.

And I am so glad that House Democrats are committed to taking the bold necessary steps to move us in the right direction of making sure that we do what we are supposed to do for Americans.

In the 108th Congress, we worked very hard with Partnership for America's Future that reaffirms our commitment in six core areas. And those six areas are, making sure that we have American values, prosperity, national security, fairness, opportunity, community, and also accountability. And I think it is important that we think about that, and that is something that is not happening right now.

Now, one may argue, well, what is stopping you from doing that? I can tell you what is stopping us from doing that, not being in the majority here in the House of Representatives.

And I say to the gentleman from Ohio (Mr. RYAN) that I think what is important is that we have to share with our colleagues and also with the American people, Mr. Speaker, that it is important that we hold the individuals that are sent here to Washington accountable not only for their actions but also for their inactions. And so when we start talking about crisis, look right, but we are really going left. And I think it is important that we point these issues out.

It is important that we take bold steps in expanding affordable health care and the health care coverage, including mental health coverage, making sure that we cut health care costs, increasing biomedical research, and also reducing racial and ethnic disparities, expanding affordable health care as it relates to coverage for small businesses by creating a new purchasing pool that will allow 50 percent tax credit to help small businesses and self-employed individuals in their health care costs.

That is Democratic legislation that is already filed in this Congress that should move, would move, if we had the Democratic leadership that we talked about early on in this hour. If they were in control, it would not be an issue of saying that is what we would like to do. And I think it is important, it is very important that not only Members of Congress understand our responsibility in standing up to the real needs of Americans that are out there now, but to make sure that we are able to stand up and say that health care is a crisis, the issue of our environment is a crisis, the deficit is a crisis, and not just say it as buzz words or in a speech or a punch line.

Mr. RYAN of Ohio. Mr. Speaker, I had a Social Security town hall meeting last night at Warren G. Harding High School in Warren, Ohio; and we were having a discussion about these kinds of issues. And one of the gentlemen, as we were talking about him as a small business owner, self-employed, he had to pay his own Social Security tax. He had to pay the whole amount, the employer's share and the employee's share for himself. And he was struggling because he had health care issues that he had to deal with. The health care costs were going through the roof. He had two kids in college. And tuition costs in Ohio have doubled over the past few years. And when we get back after the break we are going to get into a little more about the cost of college tuition.

But the point is, the Social Security privatization scheme sounds like a good idea to some employers, because the way that the blueprint has it set up is that the employee will be able to take 4 percent and divert it to an account, and the employer will not have

to match that 4 percent; and so it is basically a tax break for the business person, which may be okay for small business folks and help them a great deal.

But what we are saying as Democrats is, why are we not dealing with the real issue, the health care costs that are going through the roof? And if we want to help small business people, then we need to use the Democratic proposal that we have that is going to help small business people contain health care costs and contain tuition costs and give them aid and assistance and grants and lower tuition costs with block grants to different universities. We have a plan to do that. And what we are saying is, let us stick together on the greatest social program in the history of mankind, and let us fix these other programs that have been causing a great deal of economic pain to the small businessperson. We want to be there, and we have a plan to do it.

Mr. MEEK of Florida. When you have employees that are healthy, you have what? A more productive company. And then what do you have then? You have more productive American workers that will be able to compete against other countries that are competing against us now.

Before the gentleman from Ohio (Mr. RYAN) goes to the chart, I think it is important we talk about the fact that health care costs, when we start talking about cutting health care costs, we have to look at the issue as it relates to prescription drugs.

Mr. RYAN of Ohio. Absolutely.

□ 2115

Mr. MEEK of Florida. I think it was a blown opportunity here on this floor by the majority side saying they were carrying out true prescription drug reform and failed to do so by not allowing us to negotiate with drug companies to have lower prices, not only for seniors but for people with disabilities. Also, guaranteed American consumers the right to deal with the whole issue of importation.

I have some reservations about that, but the real issue is the fact that we have Americans that are now making a choice between groceries and prescription drugs. We still have Americans, and I am not just talking about older Americans, I am talking about middle-aged Americans and even children, because a number of children are on prescription drugs, be it for allergies, or middle-aged Americans taking heart medication or medication for diabetes or other ailments that we found that through prescription drugs that can prevent death or prolong life they are making decisions.

They have to make decisions. So they are excited about the fact that we are looking at prescription drug reform, but it was not a true bipartisan effort because if it was we would have negotiating power. And I will tell Members right now, because I want to make sure that my Republican colleagues on the other side of the aisle and I want to

make sure, Mr. Speaker, that the American people understand that the Democrats have a bill filed right now to allow that to happen. Prescription drug costs would go down if we were in charge of this House right now.

Mr. RYAN of Ohio. We have a discharge petition too that will allow Members of Congress to sign it and discharge it out of the committee process and bring it right to the floor. We have had this debate. We can bring it to the floor and let us vote on it.

Mr. MEEK of Florida. But still, if we were in control of this House, if the American people said they were going to allow Democrats to be the majority in this House, we would have the following:

We would have a Social Security debate about strengthening Social Security, not privatizing it. We will have not only a debate but we will have a bipartisan bill to make sure we can combine buying power to take prescription drug costs down for everyday Americans. We would not only have legislation that will be true environmental legislation, but it would be bipartisan legislation because we believe in working together with, at that time if we have a perfect situation where we are in a majority, working with the minority party in doing that.

We would also have a health care plan, a health care plan that is a 6-point plan that would bring about health insurance for everyday working Americans, and also allow those Americans between the ages of 55 and 65 to be able to buy into Medicare early so they would have an opportunity to take advantage of good health care at a low cost as they reach their years of the 60s and 70s. So that is so very important.

I am not laying "what if," but I am saying what could be. And so I am saying this more of a challenge to the Members on the majority side because they do have the power. They have the power to be able to set the agenda and say what will be able to come to the floor. They have the power to be able to say that this is what we are going to work on and this is what we are not going to work on. I think it is important that the American people and I think the Members of this Congress also understand, Mr. Speaker, that the power of the majority sets the agenda and what happens in this House, nothing comes to this floor without the authority of the Republican leadership in this House.

Now, I am going to tell you, because I always, I do not use it as a disclaimer, I am seeing it as a Member of this House and someone that communicates with Members of the majority party, there are a number of Republicans that will go unnamed because of repercussions that want to see that kind of environment return back to this House, a true bipartisan environment that we had in 1983 when Ronald Reagan and Tip O'Neill brought about the kind of bipartisan partnership we



needed to save Social Security at that time, a true bipartisan vote, not bickering, not we are going to run Social Security into the ground in some sort of scheme privatization plan, but a true approach to making sure that we do the right thing.

So it is important that individuals understand that bills like the bill that we have here on the floor to drive down prescription drug costs that we would like to pull out of on this discharge petition that is right here behind the gentleman for Members to sign to be able to have a true debate as it relates to bringing down prescription drugs costs, the buying power which AARP is on board with us on. But I think it is also important for issues as it relates to the deficit.

Mr. Speaker, I hope that the gentleman does not leave out what is happening to the American worker and our negative trade balance. If I can say the word China, I would like to say that, because I think it is important that not only Members of Congress understand our responsibility but the American people also understand what is happening right now. It is not on the 6 o'clock news, but if someone is at home right now without a job wondering where their job went, wondering why the factory, especially in the gentleman's State of Ohio, the whistle in that factory is no longer blowing when they knock off, like a blue collar worker would say, for the evening, while no lunch box is there, be it a man or woman.

The reason why we are continuing to put forth trade agreements in my State that are putting agriculture industries out of business or having them to give away jobs like the citrus industry, like the sugar industry and the nursery plant industry that is in my county of Miami Dade County that are concerned about these free trade agreements that are taking place.

Now, I voted for some free trade agreements, but I will state that some of those agreements that are coming down the pike are going to hurt the American worker and continue to give away the kind of apple pie that we have been talking about for so many years.

Mr. RYAN of Ohio. Mr. Speaker, I think this is the issue for me, that this is the crisis. This is just the issue that how can we say that a problem 40 years out from now is the crisis when you look at the numbers here. This is the crisis here. This is the manufacturing jobs loss, and I will go through some quick charts here.

Manufacturing jobs lost. In Ohio we lost 216,000. In Florida, the gentleman's home State, they lost almost 73,000. All the red States here have lost more than 20 percent of jobs in their States: Ohio, Pennsylvania, New York, Michigan, Illinois, all of these. And all throughout the country, the only two States with any kind of net gain are North Dakota and Nevada. That is the crisis and that is the issue that we

need to be dealing with here in the United States.

Mr. MEEK of Florida. Before the gentleman leaves that chart, would he please let the Members know and, Mr. Speaker, we definitely want the American people to know where this information comes from, because I want to make sure we are clear.

Mr. RYAN of Ohio. This is the U.S. Bureau of Labor Statistics, so it is nonpartisan. It is from June 1998 to February 2005. This is the United States Bureau of Labor Statistics controlled by a Republican, so it is not any lies that we are just trying to stoke up propaganda here.

These States that are purple have lost between 15 and 20 percent. The green States have lost between 10 and 15 percent. The yellow States between 5 and 10 percent. We are getting decimated in our manufacturing base, and these are the jobs that pay well. These jobs are going to China. The high-tech jobs are going to India.

Now, another crisis, our overall U.S. trade deficit which led to the enormous job loss right here, overall trade deficit over \$600 billion last year. We are buying \$600 billion more worth of products than we are selling. And look at the growth. This is the startling thing. This is not just a kind of a temporary blip in the screen.

In 1991 we were a little over \$50 billion, or not quite \$50 billion; and look at this, the steady growth. And these have been the trade agreements that we have been signing, and especially when we cranked up trade with China, bang, right down at the bottom, bingo, in 2004 over \$600 billion in trade deficit. Of that the main culprit in this whole deal has been with China, another crisis that we need to deal with.

I mean, how we can say Social Security is the main issue is beyond me. Again, trade deficits from 1991 to 2004. Again, a slow gradual, this is what we call in economic terms, and I am not an economist, this is what you call a trend. This is a trend that is going on in the country and has been for a good many years now, U.S. trade deficit with China over 160-some billion dollars a year. And we can see it just continue to decline. It will probably be worse next year. And when we see the job loss in Ohio, in the Midwest, all over the country except for Nevada and North Dakota, this is what is causing it.

Companies are moving from the United States, not making the investment here in the country, making it in China; and we are getting walloped.

Now, the most important issue as we are running these huge trade deficits and we are also running a national deficit, and let me just show one, before we show that one and then I will let the gentleman talk about the other, not only are we running huge trade deficits; we are also running a record national, domestic deficit on our own budget here.

This red line starts with President Johnson where we pretty much were

balancing our budgets all the way along, and we pretty much stayed steady up and down throughout the 70s. And into the 80s we got into the pretty high deficit through the Reagan and Bush era. That is the red line coming down close to \$300 billion in our national deficit. That means the budget money that we spend out of here, we were spending \$300 billion more than we were taking in. And then the Clinton era, the balanced budget passed in 1993. Not one Republican vote, Democrat House, Senate, White House; Al Gore broke the tie in the Senate as Vice President. That led to booming surpluses in the United States. And then when the next administration came in here, we are again with record deficits.

Now, will a real fiscal conservative please stand up, because we do not have anymore here. And this is the kind of deficit that you are passing on to your kids and your grandkids and the scary thing that the gentleman will talk about right now.

Mr. MEEK of Florida. Mr. Speaker, before the gentleman moves that chart, the nonpartisan Congressional Budget Office where the gentleman got this information from, am I right?

Mr. RYAN of Ohio. Absolutely. The source is CBO, the Congressional Budget Office, nonpartisan. The most scary aspect of all of this is if we are spending 400-some billion dollars more than we are taking in, we are borrowing that from somewhere because we do not have it. Tax revenues bring us to this line here, and we are spending that much more, up to \$400 billion more than we have in the kitty that we are taking in every year. So we have to go out and borrow it. This is the scary part. Who are we borrowing the money from?

Mr. MEEK of Florida. That is the question.

Mr. RYAN of Ohio. That is the ultimate question, and I know the gentleman wants to talk about it.

Mr. MEEK of Florida. No, I want the gentleman to talk about it because he is doing such a great job.

Mr. RYAN of Ohio. I will explain the chart, but I want the gentleman to lend his voice to it.

Mr. MEEK of Florida. Mr. Speaker, I want the gentleman to explain it because this issue is so very, very important. We both are on the Committee on Armed Services, and we know what it means as it relates to not only national security but financial security.

What is happening right now, and that is why it is important not only to the 30-somethings but to the 20-somethings and the teenagers and those that are yet unborn and also those seniors that understand what is going on, even the 50-somethings and the 60-somethings because this goes towards, I believe, our national security when we start looking at this issue.

Please explain.

□ 2130

Mr. RYAN of Ohio. Mr. Speaker, the gentleman is absolutely right because

you can have, and Mitt Romney was in front of the Committee on Education and the Workforce last week, the Republican governor from Massachusetts, and he said you cannot have a tier two economy and a tier one military. And, unfortunately, we are moving into a tier two economy.

We were talking about the trade deficits and then our national deficit and the debt. The deficit is what we accrue every year. We are \$400 billion last year. The debt is the overall debt of the whole country, which is almost \$8 trillion, but last year was over \$400 billion.

Here is the portion of foreign-owned debt in our country that rose to 41 percent under this administration. So this is the bottom line here in the blue. Of all of our debt, that portion is held by domestic interests, from this here, the turquoise, a nice shade of turquoise, I must say.

The next level is the percentage of our marketable U.S. Treasury debt held by foreign interests, and this goes back to 2000. So over in California, 2000. Over here on the East Coast, it is 2004. Here we have domestic-held debt up to \$2.5 trillion. The rest here in purple was foreign owned.

As we move in 2001 and 2002 and 2003, you can see that the purple gets bigger. It gets up into Maine from the Carolinas. This purple is foreign-held debt. Basically what this chart says, and it is continuing to increase as the years go on, as we run these deficits that we had in the last chart, that we have been running as we are borrowing that money; more and more of that money is coming from foreign interests. This is a dangerous situation that we are putting the country in.

As the gentleman from Florida (Mr. MEEK) stated, we are on the Committee on Armed Services. We see this in the committee hearings and with the poppy in Afghanistan. We see this dealing with the Chinese in their increase in military spending and the issue of Taiwan, and North Korea is beginning to test nuclear weapons.

The more power we cede to foreign interests dealing with our own personal monetary situation, the more dangerous a situation we are going to be in. It is a bad political move, it is a bad economic move, and it threatens our country as well.

Mr. MEEK of Florida. Mr. Speaker, as I look at the printed material that I have before me, I cannot help but say this maybe is at the crisis level. Maybe what the gentleman just pointed out, maybe the fact that we have the highest deficit in the history of the Republic, maybe because we have a number of Americans that are still cutting pills in half after we, the Congress, or the majority side, has said we have done all that we can do. Maybe that is the crisis.

Maybe it is important to let not only the majority side know, but also the American people know that it is about who is running this House and who is not raising an objection to what has

happened already, let alone what is going to continue to happen. If left up to the mechanics of the majority right now, 41 percent will be the early years of foreign countries buying our debt.

Mr. Speaker, it may very well go to 55 percent if the American people do not hold us accountable for the decisions we are making, or the decisions we are not making. I think it is important, and we have to talk a little bit about extreme measures in the Congress.

We know there are a number of issues that have come before us, and the American people are saying, When are you going to do something about the problems that we talk about every day? However, we spend more time in this Congress, especially in this House, getting involved in personal matters of families, taking the rules like the other side has attempted to do, which I understand some sort of deal has been worked out now on the other side of this Capitol as it relates to the filibuster, the other body. It is unfortunate we have to go to these extreme measures to threaten our way of democracy before we start to try to bring the best out of many Members of Congress.

I am concerned when the majority side in the 108th Congress made it illegal, prohibited the Medicare powers—that be within the Federal Government to negotiate with drug companies for lower costs. They could have not addressed it and left it as a gray area for the administrators to say, maybe we can do something. But so indebted to big pharmaceutical companies, they prohibited it from happening.

That means if the administration said, Yes, we can bring diabetes or heart medication down \$15 if we were to use our buying power with the drug companies. If you do it, you are not only making a career decision; it has been prohibited in Federal law.

I am so glad that so many of us on this side of the aisle, I mean record numbers, voted against that prescription drug scheme, because it is not providing what the American people were told it would provide. AARP, along with others, understand that now and that is why they are fighting to bring those prices down.

Let me tell Members something. Being from Florida, prescription drug costs are a very important issue. Being a middle-aged American, 30-something, or heading to middle age, this is an important issue to my constituents.

Mr. Speaker, I have said this before: We were not elected to have better health care than our constituents. I did not run into anyone at the polling place at 7 a.m. who walked up to me and said, "I am voting to make sure you and your family have better health care than I have. I cannot wait to go in there and vote for you so you can be better off than I am."

Mr. Speaker, they elected us to come to this House and fight on their behalf to make sure that that individual voter

and their families and future generations have better opportunities than what they have. We are not doing that now.

If we were in control, because I want to make sure that we really emphasize, if Democrats were in the majority, again I will say it, and I said it earlier in this hour, we would not be having a debate on privatization because privatization is bad. Individuals lose benefits under the privatization scheme that the President has put forth, if you are in the plan or not. That is the reason why the President has lower approval ratings as it relates to his Social Security privatization scheme. I would be worried out of my mind if it was the other way around, but people are getting it.

I can tell you another thing, we would not be having a discussion about why 46 million American families that are working do not have health care because this House would be moving in that direction to provide the health care that I talked about in our six-point plan, and also our partnership with America, which is a real plan that has accountability and has follow-through. It would not be a discussion, to point out the issue of the deficit and the fact that every American at birth, when we started this hour, at birth already owed the Federal Government \$26,349.67 and it has gone up since we have been here on this floor. It would not be a debate because we would be doing something about it.

We understand if we are going to do something in this Congress, we are going to start a new program, we are going to point out how we are going to pay for it, and that is not what the majority side is doing now.

The last point, because I can go on about the issue of responsibility and accountability, there would not be a what-if discussion as it relates to how we conduct business in this House and the real issues that are facing American families, programs that are working. Cut out the devolution of taxation to local governments and also to our State governments. There would not be a crisis as it relates to Medicaid and States ever running deficits in the States due to the fact that they have to balance their budget. Unlike our Congress, they have to balance their budgets on the backs of cutting programs that are helping so many young people stay out of trouble.

It would not be a what-if discussion; it would actually be reality. And the good thing that I am excited about, because of the leadership we have, the Democratic Caucus, it would be bipartisan. That is something that every American wants. They want to take the politics out of doing business here in Washington, D.C.

That is the reason why our work is so important, making sure we come to this floor week after week, and letting it be known that we are doing all we can in the capacity that we are serving in to not only let the Members of Congress know about responsibilities and

what we can do versus what we cannot do, but also letting the American people know what is happening here as it relates to individuals taking leadership positions, wanting to take action, and those that do not want to take leadership positions and do not take action. That is the real issue here.

That is the reason why if there is a Republican, Independent, Democrat, Green Party, what have you, these issues get those individuals together because it is talking about real-life issues. The information that we are providing here, this is not something we were in the back of the room saying, Let us use that number, it looks good. It is bipartisan Congressional Budget Office information. This is information from outside sources that have a credible way of receiving their information, have credibility in the United States of America.

So I think it is important for us to not only challenge the majority side because competition is good. I believe in that. Challenge the majority side, but also let the American people know if we had the opportunity to lead this House what this Congress could be and what it needs to be.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, we have a plan. We know what could fix the problem. The American people understand what is going on right now. If we review poll results, this Chamber is not one of the most popular institutions in the country. I think there is a 33, 34 percent approval rating for the Congress. I think some of the issues that the gentleman touched on are why that kind of sense around America is what it is.

I want to share one final chart here that we have. The gentleman from Florida (Mr. MEEK) mentioned the \$7.7 trillion debt and the \$26,000 that everybody owes, and the general theme tonight is, what are the real crises in the country. We explained that Social Security is solvent for another 45 years, and then we got into our over \$160 billion trade deficit with China, a \$400 billion deficit here at home. We are spending more money, we are borrowing it from the Chinese. We are not participating in a sound fiscal policy.

One final thing that kind of sums everything up, if Members look at it, and this is in trillions of dollars here, how much tax cuts for primarily millionaires are taking away from funding priorities that we have in this country. If we make the tax cuts permanent over the next 10 years, it will cost \$1.8 trillion. The tax cuts for the top 1 percent, people making 4, 5, 6, 7, 8, over a million dollars a year, well above half a million dollars a year, will be \$800 billion we are going to spend or not take in because of tax cuts primarily for the top 1 percent.

□ 2145

Look at what we are spending on veterans. This is \$800 billion, this is \$3 bil-

lion, over the next 10 years. So we are basically saying in this country that our priority is the top 1 percent, not the veterans of the United States of America. The other side would say, well, we have increased spending for veterans over the past few years. The answer to that is, yes, but thousands and thousands of more veterans are beginning to enter the VA system now. They are losing their pensions; they are losing their health care in places like Ohio. When I was on the Committee on Veterans' Affairs last session, Secretary Principi was in front of us and I asked him, is the reason more people are going into the health care system in places like Ohio, West Virginia, Pennsylvania because of the massive job loss and companies are going bankrupt? And he said, yes.

We have people in Ohio that were veterans, that never accessed the VA system, who lost their jobs, lost their pensions, lost their health care, they had nothing, and they entered into the VA system because they were veterans. So, yes, you may be increasing the number of what we are spending on veterans; but when you have thousands of more veterans going in and nursing homes being closed down and nursing home beds being closed down, it is time to reevaluate what the policy is. We could go on and on and on with this on what we are going to spend on education, health care, which you so eloquently mentioned, all these great issues that we need to invest in.

I want to make a point. We are not saying that some of these programs do not need reform. We are not saying that at all. These programs do need reform. We need to move into more preventative health care than we are doing now. You talked about CVS and Rite Aid and the emergency room. Why would we want people to go if they were sick into an emergency room? Because we are paying for that, anyway. The hospitals get charity aid that comes out of Federal money. Why would we wait until someone got pneumonia and went to the emergency room when we could have a clinic that provided them with basic antibiotics that would allow them to address their issue when they had a cold? But we wait. So the system does need reform.

We need to put more emphasis on early childhood education. There is no question about it. We did a study in Ohio, and I mentioned it several times here before. The University of Akron did this study. For every dollar that the State of Ohio spent on higher education, the State received \$2 back in tax money because you are educating someone and they are going to be worth more, they are going to create more value, and they are going to pay more in taxes over the long run.

These systems need reform to where we are making good investments and saving the taxpayer money in the long run. These tax cuts are not having the economic impact they thought they would have. We have given trillions of

dollars in tax cuts and the whole reason was to stimulate the economy. We are still in a recession or just modest, very modest, economic growth, if that. Some signs are saying we are going to go back into a recession. This is not having the impact, because these people who make this money are not investing it in the United States. I will pull out the China graphs again if you want me to, but these people are taking their tax cuts and investing it in Asia. The economic impact again is not being felt in the United States. It is being felt abroad. The old theory that tax cuts will stimulate your national economy no longer work. It is an outdated method; it is voodoo economics as President Bush, I, said; and it is not working here today.

Mr. MEEK of Florida. Mr. Speaker, the gentleman from Ohio did make the point of what is actually happening here, and I think it is important that we highlight that. We are going to close out. I see my Republican colleagues that are here. We got a little excited in talking about some of these issues, but I want to make sure that when you mentioned the veterans, like I said before and I have said like three times during this Special Order, we do have some friends on the Republican side of the aisle that see it and get it. Okay? But this is what happens to them when they do the right thing and this is from Fox News.

Representative CHRIS SMITH, former chairman of the Committee on Veterans' Affairs, passed a Veterans Administration budget that put him on the opposite side of his leadership on the Republican side. Actually doing what he should do as a chairman for the veterans. What happened? Did he get a parade? Did he get a commendation from the Republican leadership in their caucus? No. He got fired. He was ripped of his chairmanship. And so when we start talking about what we want and what we actually get, that is a perfect example.

We had nothing to do with him being removed. NANCY PELOSI, Democratic leader, had nothing to do with him being removed. The Republican leadership removed him. It is very unfortunate that that took place. I would say this, it is important that we come to the floor with solutions and not just problems. I am glad that we shared with the American people and also Members of this House what we have in store for them. Before we close, does the gentleman want to give this e-mail out quickly?

Mr. RYAN of Ohio. Again, send us an e-mail, tell us what you believe the real crises are in the country, 30somethingdems@mail.house.gov, and possibly we will read your e-mail next week.

Mr. MEEK of Florida. Mr. Speaker, we appreciate the time here on floor. We would like to thank the Democratic leader for allowing us to have this time on the Democratic side.

## METHAMPHETAMINE

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Under the Speaker's announced policy of January 4, 2005, the gentleman from Nebraska (Mr. TERRY) is recognized for 60 minutes.

## GENERAL LEAVE

Mr. TERRY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. TERRY. Mr. Speaker, the subject of my Special Order this hour is how meth is ravaging our communities in the United States. Yet in our budget, in our appropriations, it is called on to eliminate what are called Byrne grants and the HIDTA program reduced by 56 percent.

Let us talk a little bit about what meth does. I have a picture here from the Des Moines Register of a 13-year-old Iowa girl, a very pretty little girl. Unfortunately, she became hooked on meth. This is the before. This is within a year later. It is kind of a grainy picture, but you can see a stark difference. Unfortunately, even though her mother tried rescuing her from this life-style, this little girl committed suicide. Meth is just an incredibly difficult drug to try and break free from.

In my home State, Duaine Bullock, the captain of narcotics unit in Lincoln that the gentleman from Nebraska (Mr. FORTENBERRY) represents, gave a sobering assessment of the growing meth problem in Nebraska and just said pointblank, we have got a gigantic problem. He is right on the mark. According to Nebraska Attorney General John Bruning, 60 percent of the inmates in Nebraska jails have a problem with meth. The number of people in Nebraska jails for possessing, selling, or manufacturing meth has more than doubled since 1999.

When we talk about this fight against meth in our communities, the front line of this war, of our war on meth and drugs, the fastest growing drug in the Nation, meth has produced a wider and more extensive array of problems than any other narcotic we have ever faced before. It is no longer just a rural or Midwestern issue. The Byrne grants that I mentioned casually goes directly to our front line warriors, our local police and our sheriff. It is those folks that are going to know where the drugs are located, which houses perhaps in a certain community have meth labs or will see some of the characteristics within that family unit or that home that can lead them to the conclusion that perhaps a meth lab is in operation there.

And so it makes no sense to me, Mr. Speaker, that we have a proposal in front of Congress to completely elimi-

nate the Byrne/JAG grants which are the dollars that go to local police departments to help them become prepared and enter into task forces all the way up to the Federal level. What we are seeing is a system of centralization of our war on drugs away from our front line warriors to the Nation's capital. While I certainly can maybe not respect, but at least understand, why a drug czar, a department, would want to consolidate its own power, I think is doing it against the best interests of this Nation.

Mr. Speaker, I would like to introduce another gentleman from Nebraska (Mr. OSBORNE). Frankly, he has been on the front lines bringing this issue to the attention of just about anyone that will listen over the last 3 years. It is my pleasure to introduce my friend and colleague from the Third District of Nebraska.

Mr. OSBORNE. I certainly thank the gentleman for yielding. Obviously, I have the worst affliction that a politician can have. I have laryngitis. I am playing hurt tonight. This is an all-Nebraska deal, it looks like. I really appreciate the gentleman from Nebraska (Mr. TERRY) organizing this. This is a very important issue. Probably half the States at the present time have a serious meth problem, but the ones that do not have it are going to have it. We think the whole country needs to be aware.

I would just like to provide a little background here. Methamphetamines first came into prominence during World War II. Quite often the Japanese kamikaze pilots were given meth. It gets you in such a euphoric state that you will take off in an airplane with not enough gas to return and think you are still going to make it somehow.

It obviously has a powerful pull. It is the most highly addictive drug that is known to man. In many cases, one exposure to methamphetamine renders the victim permanently addicted. Sometimes people take methamphetamine without even knowing what it is they are getting into. It provides a high that will last from 6 to 8 hours. It dumps a huge amount of dopamine which makes you feel good and, of course, eventually the next time it takes a little bit more and a little bit more and so on. It provides increased energy. Many working mothers, people working two jobs, will eventually get drawn into meth, truck drivers that want to stay out on the road for 48 to 72 hours. Some people on meth will stay awake for a week, sometimes even 2 weeks.

It does provide some energy. It also will provide the ability to lose weight, which is very attractive. On top of that, it is relatively cheap. In any place where you have a problem with cocaine or with heroin, meth will fix the problem, because it is cheaper, it is more powerful and almost without exception when meth comes in, the other things begin to decrease but the meth problem is so much worse that obvi-

ously the community is much worse off.

Whatever goes up must come down. I guess that is a law of physics, and so the accompanying emotions to meth abuse are anxiety, depression, hallucinations. Sometimes it is psychotic behavior. Violent behavior is often a side effect. Most meth addicts have what is known as crank bugs. They have the feeling that there is something crawling under their skin, and so they try to pick them out. We could have shown you some very graphic pictures tonight of people who have tremendous lesions on their skin. Maybe the gentleman from Nebraska (Mr. TERRY) has some of those.

Methamphetamine abuse always causes brain damage. Every time it destroys brain cells. A young person, maybe 18, 19 years old, who has been on meth for a year, will have a brain scan that will look almost identical to an 80-year-old Alzheimer's patient. You cannot distinguish the two. There are so many brain lesions, so much damage to the brain. It is very common, obviously, in rural areas because if you are going to manufacture methamphetamine, the odor is very distinct and so people seek out abandoned farmsteads. Sometimes they have mobile labs where they make it in the back of a van or something like that, but they usually like to stay out away from people.

□ 2200

The ingredients in methamphetamine are somewhat startling and a little bit bizarre. Pseudophedrine is, of course, the one ingredient that they have to have. In addition, oftentimes they use lithium batteries, drain cleaner, starter fluid, anhydrous ammonia, and iodine. So it is a tremendously toxic brew that is developed; and as a result, it costs about \$5,000 or \$6,000 to clean up a meth lab. It is very expensive. In some parts of the central United States, I believe Iowa had about 1,500 meth labs year; Missouri, around 2,000. So that is about \$10 million just to clean up the meth labs alone. And, of course, most of those funds come from the Byrne grants and the HIDTA grants that we were talking about.

If we think about the cost of methamphetamine abuse, in our area most of the child abuse, most of the child neglect, most of the infant death, young people death, foster care are caused by methamphetamine today. So it is a very difficult situation and very costly.

The gentleman from Nebraska (Mr. TERRY) has already mentioned the Federal prison cells and the jail cells. So the last comment I will have today is simply this, that we are not saving money by cutting the Byrne grants. We are not saving money by cutting HIDTA because the average meth addict in Nebraska commits 60 crimes a year. So if we have 10 meth addicts in a community, that is 600 crimes.

The line of first defense is those law enforcement officers that the gentleman from Nebraska (Mr. TERRY)

showed. And these are the people who rely almost exclusively on the Byrne grants and on the HIDTA grants, the HIDTA grants are high-intensity drug traffic grants, and we have a huge amount of methamphetamine coming up from the southwest part of the United States and Mexico, going across Nebraska on Interstate 80. And the only way to intercept that and the only way to handle those drugs is with HIDTA. So we would urge Congress, other Members in this body, to support our efforts to restore those funds.

And I would again like to thank the gentleman from Nebraska (Mr. TERRY) and the gentleman from Nebraska (Mr. FORTENBERRY), who will speak shortly, for their efforts in this regard. We have approached the Speaker. We have talked to the appropriators, and we are making every effort that we can.

I thank the gentleman for yielding to me.

Mr. TERRY. Mr. Speaker, I do appreciate the gentleman's time in playing hurt. I am sure there have been times when he was coaching that he encouraged people with sore throats to get out and take one for the team; so I appreciate that.

The gentleman from Nebraska (Mr. OSBORNE) raised several good points that I will take some time on. He talked about some of the rather toxic ingredients. In fact, where I live in Valley, Nebraska, at least for the next day or two before we moved, the Saturday night before last there was a meth bust just about a half mile outside of town, and it was rather interesting in driving by and seeing the number of fire trucks and Hazmat units that are there. And what people do not understand, although the gentleman from Nebraska (Mr. OSBORNE) outlined the recipe in some of the ingredients, including bleach and anhydrous pneumonia and other ingredients, it is highly toxic but it is also highly flammable, which is why it is incredible to me that during some of these meth police busts they raid these homes and there are toddlers in these homes.

So it has an impact not only on our police departments but our fire departments who have to coordinate these drug busts where they find these labs. And as the gentleman from Nebraska (Mr. OSBORNE) also mentioned, we can find them just about anywhere. In fact, in a very affluent area of west Omaha just a few months ago, they made a drug bust of a mobile lab literally in the trunk of a car at a department store. So there are people that will build them in any place they can.

As I introduce the gentleman from Lincoln, Nebraska, I want to explain to anyone who is listening here tonight when we talk about the HIDTA grant, it is an acronym for high-intensity drug trafficking area. That is the grant that comes to local police departments to train them in how to handle a situation. Obviously, as we talked about the very volatile toxic explosive nature of a meth lab, since it is the local police

departments that are on the front line that will be reading that particular house, that will be making the arrest, they want to make should that they understand the totality of the circumstances they are engaging in and how to protect themselves.

Also, as the gentleman from Nebraska (Mr. OSBORNE) pointed out, it is such an intense high under meth that these folks literally do not know or understand what they are doing, and they have a high propensity for violence. But yet sometimes they look completely normal for that particular instance that a policeman could be walking by. So they have to be trained in the subtleties of what to look for to see or determine if someone is under the influence of meth and in understanding that even though that person may appear calm for that particular instant in time that that person becoming violent is just inherent to the nature of the drug. So they have to train them how to handle that violent situation with a person under the influence.

Also, part of the HIDTA grant trains them how to work with other law enforcement agencies. In fact, HIDTA is set up into territories where they can literally have agencies across jurisdictions, whether it is Douglas County and Lancaster County official working together or our local police departments or even into Iowa, the gentleman from Iowa's (Mr. KING) district, who wanted to be with us here tonight but, like our colleague from the third district, is suffering from the same ailment. So it allows them to learn how to put the task forces together and share each other's talents and resources.

With that, so he can get on with his evening, let me introduce the gentleman from the First District of Nebraska in his first year here but nonetheless is jumping right into the issues that are affecting the people of Nebraska the most and the deepest. So I appreciate his instantly getting involved in the meth issue of Nebraska.

Therefore, I yield to the gentleman from the First District of Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Mr. Speaker, I thank the honorable gentleman from the second district for bringing attention to the severity of this problem in our State and throughout many parts of America as well.

Mr. Speaker, let me tell the Members when I am at home with local law enforcement, I ask a simple question: What is going on, sheriff? And nearly every time the answer is the same, a single word, "meth." And methamphetamine, commonly known as meth, as we have discussed, is a potent and highly addictive stimulant; and it is taking a terrible human toll across rural America. In fact, my hometown sheriff, Terry Wagner, recently recounted a story about a boy who had been addicted to meth for 9 years, and it is this prolonged exposure to these toxic chemicals that has caused such

severe brain damage that it has given this young man an irreversibly wasted brain of an advanced Alzheimer's patient.

In Butler County, Sheriff Mark Heckler estimated that 90 percent of the prisoners he sees in jail have been involved with meth either as dealers or users or cookers.

Mr. TERRY. Mr. Speaker, reclaiming my time, I had read from our State Attorney General Jon Bruning, who is doing a fantastic job in that position, that it is 60 percent. But I did too have a local law enforcement officer that suggested it is higher than that, at least when we add the totality. He said, first of all, there are many of the folks in our State prison that are there because they are involved with meth; that they are dealing, cooking, distributing; or that they committed a crime while high on meth or, getting up to about that 90 percent figure, they are out burglarizing, robbing, plundering to get money to buy the drug. So many of our local officers feel that it is as high as 90 percent, whether it is directly related to the distribution or cooking of meth or just that they are so hooked that they are out robbing money to get it.

Mr. FORTENBERRY. Mr. Speaker, will the gentleman yield?

Mr. TERRY. I yield to the gentleman from Nebraska.

Mr. FORTENBERRY. Mr. Speaker, their ramifications are certainly widespread. Butler County, as I just mentioned, is a serene place, a farming community, a wonderful place to raise a family. And yet this shocking statistic of 90 percent is very real and disturbing. The sheriff also reported the same problem that the gentleman from Nebraska (Mr. OSBORNE) mentioned, that he finds small portable labs for production even in the back of cars. So meth is a particular threat to our rural communities, partly because it can be cooked in this way from small batches from readily available ingredients such as chemicals commonly used in fertilizer and cold medicines, as has been mentioned.

Something else to mention, though, is that concocting meth is itself a toxic activity, and it requires a combination of deadly chemicals at high temperatures. Hazardous fumes are produced, and poisonous fires and explosions are common, as the gentleman is aware. Toxic waste is invariably dumped, which spoils the environment and requires dangerous and costly clean-up, another adverse impact of this problem.

Let me tell the Members, as well, that in 2000 Nebraska law enforcement discovered 38 labs. In 2004 they dismantled over 300, and one search for a missing person in a wooded area actually turned up 15 meth labs in a 3-square mile area. And, of course, many go undiscovered.

I would like to add a few comments about what can potentially be done about the tide of meth sweeping the

country, and I think there are three approaches that do deserve our attention. First, State efforts to control the spread by controlling the access to its component chemicals, I believe, should be applauded, and smart controls on the sale of cold medicines are also a reasonable idea that may be considered at the Federal level. Second, and the gentleman has mentioned this additionally, the antidrug task force has maximized the effectiveness of law enforcement, particularly with overlapping jurisdictions. And I believe lawmakers, as he does, in Washington must listen to those who are on the front lines in the battle against meth and give them the tools they need to protect our communities this week, this month, this year.

Third, we must also recognize the national scope of the meth problem. It is estimated that 85 percent of the meth in Nebraska comes from large out-of-state labs in Arizona, California, and Mexico. These superlabs do not get their chemicals from the local drug store, but depend on multi-state and multi-national suppliers. This is why we also need a focused and multi-national, a coordinated national, strategy to stamp out meth. And I believe it is the job of the Federal Government to keep meth and its chemical precursors from crossing State borders. Existing regulations on the sale of meth chemicals should be enforced; and the development, again, of alternative compounds in cold medicines could also be determined and encouraged.

Mr. Speaker, finally, let me add that meth is clearly addictive and deadly; and I urge all to avoid it. There is no future in meth.

And again I want to thank the gentleman from the Second District of Nebraska for his willingness to spend this evening discussing this very difficult issue for our State, but a difficult issue as well for many other areas that are facing this widespread problem.

Mr. TERRY. Mr. Speaker, reclaiming my time, I thank the gentleman for his efforts in this.

I too have a police and sheriff task force like he has put together; and it is amazing, just 2 years ago when we met, asking what the most significant issue was facing them on a daily basis or what some of the trends are. They said, well, definitely meth. But we are not necessarily seeing it in the inner city of Omaha, the gangs there that are still running the traditional drugs of cocaine, crack, and marijuana.

□ 2215

Mostly what we are seeing is they were telling me 2 years ago is that the meth is more of a rural issue, but it is starting to come in through the suburbs and they are seeing a great deal of the problems as we had just mentioned, the crime that is associated with the addiction, whether it is crimes committed while high or crimes committed to get high.

When I met with them probably about 9 or 10 months ago again I asked

the same question. They said the drugs the gangs are running are almost exclusively meth now. They are coming from two different directions. We still have the rural issue, where some of the ingredients are so readily available and you can go to your corner drugstore and get the pseudoephedrine out of Sudafed and other materials to make it, but the gentleman mentioned that that is incredibly important in our fight here.

Meth has become basically a war on two fronts. You have got the labs that are being operated by individuals, because they are so easy to put together, the ingredients are very accessible, although in Nebraska our State legislature, fortunately, is dealing with it, and probably by the end of this week we will have Sudafed behind the counter. It is too bad we have to do that to our local retailers. But that is one border.

Traditionally what we have tried to fight is the pop-up labs, particularly in rural areas, or mobile labs. But now you have the super labs in Mexico that are running the drugs up, and it is the same pattern we have seen with cocaine others. It comes from Central America into L.A. and Phoenix and the other gang headquarters and through their distribution schemes throughout the rest of the United States. That is where we are seeing it come into Nebraska now, and that is why it is becoming an inner-city drug as well. Now it has just infiltrated every part of our community in the last few years.

The gentleman mentioned something else, the brain damage that is caused from this. You begin that deterioration of the brain cells, as the gentleman from Nebraska (Mr. OSBORNE) mentioned, with the dopamine, the rush that gets you. It is such an intense rush of that chemical that it literally fries the synapses and cannot be restored. You are literally frying your brain. Those cannot be absorbed.

The first area that goes is your ability to make decisions. That is the first part of the brain that is affected by meth. That is why we see an incredible tolerance to the drug. You start craving it and craving it. The Catholic Charities in Nebraska, when I toured them about 3 years ago, it was all alcohol and some cocaine. Now it is almost exclusively, 90 to 95 percent, meth cases that come in there now. They told me when I toured a few months ago they cannot cure them. Even those that have only smoked or ingested or injected or however they used it a few times, it has done enough damage to the decision-making part of your brain that you cannot reason; you cannot say this is bad for me, so I am going to quit. You just lost that ability. So you have a drug that forces you, I should not say forces you, but you have lost that ability to say "no" to it anymore.

This is what happens. This poor little girl was 13-years-old. The gentleman has a daughter that is only a couple years younger than her and I have a

son a couple years younger. I think of the gentleman's daughter and my son as just little kids, but yet they are being exposed to this.

Mr. Speaker, getting back to cutting the Byrne grants and HIDTA, this statistic shows how our local law enforcement officers working in task forces with the Federal agencies have been able every year from 1999 to 2003 to steadily discover and demolish a vast number of meth labs. But, as you see here, even though this is not full reporting, it is going to be pretty close, in 2004 a slight drop.

I think the slight drop can be accounted for in two ways: Number one, I would say that the Byrne funding was working and helping our local law enforcement find those labs, but also then as I mentioned with the gentleman from Nebraska (Mr. FORTENBERRY), we are seeing now this has become in drug trade like cocaine, where it is imported through Mexico into the major cities and then distributed through the gang distribution system.

Now, let me get to a couple of final points here. In the White House's fiscal 2006 budget that was delivered this year, it requested to eliminate the Byrne Justice Assistance Grants Program, which provided \$634 million to law enforcement agencies nationwide, including almost \$2.2 million for Nebraska.

The Nebraska State Patrol estimates that nine of eleven State antidrug task forces that were created with this Byrne grant funding would have to be dismantled. The White House's budget also recommends reducing the HIDTA program by 56 percent. Again, those are the multi-State and local drug trafficking meth training programs. For Nebraska, ours is located in the Kansas City region.

The Byrne and the HIDTA programs are the primary tools through which the Federal Government integrates State and local law enforcement into the national drug control strategy. Tom Constantine, a former head of the Drug Enforcement Agency, recently testified to Congress that he could not recall a single case during his tenure that did not begin as a referral from State and local law enforcement, including many through Byrne and HIDTA task forces. So when we talk about the centralization, pulling the power from the local enforcement agencies to the Federal Government, you are talking about really emasculating our drug enforcement policy. Tom Constantine said every one of their referrals started at the local level.

There is a clear link between drugs and violence that I think we have covered fully here tonight, and these Byrne grants are providing cities and counties with the resources that are necessary to share the information and dismantle regional drug distribution rings. And before Byrne and HIDTA, by the way, when our local police members were out on their own, they did



not have the power to work with the Federal agencies and task forces to take the meth and trace it back to their origination and be able to dismantle these incredible drug rings.

Mr. Speaker, I would like to conclude this tonight with a couple of somewhat lengthy, but I will read fast, the works of some of our local police officers.

I will start with Police Chief Melvin Griggs in Gering, Nebraska. He said: "I am the police chief of a city of 8,000 people. We are bordered by a town of 13,000. In 1989, the increase in the cocaine drug traffic prompted us to start a drug task force. The wealth of the people dealing allowed them to purchase property, semi-trucks and farms. They were becoming very powerful. They were also starting to challenge each other for control of the drug trade.

"One family we put away caused a drop of all criminal activity by 33 percent. Within a year, people were already starting to fill the void. But before they could reach the power base, we were always able to stop them because of the task force.

"Meth replaced cocaine. I have lived in this area for 60 years. We did not have murders, and now we have several every year. Our drug task force also helps investigate violent crime. We have seven agents highly trained. They have been able to solve most of these crimes. If we had ever been able to increase the task force, they may have been able to stop some of them. Yet the task force has remained the same.

"It has taken years to develop this team, to develop the cooperation and expertise. Taking away the funding to keep it going will defeat the progress in a matter of months. The dealers will again gain strength, and by the time our leaders realize the mistake they have made by taking these funds, many communities will have developed catastrophic results. Then the leaders will return the funds. It will take years to develop the level of response we now have, and we may never get it, as the problem may have well become beyond our reach.

"I have talked to other police chiefs, and we are not the only community facing this problem. Maybe we have not been vocal enough. We have seen this every day, it is in all of our newspapers, it is on CNN. It is hard for us to believe that anyone cannot understand this problem. It is hard for us to believe that they really plan on a significant reduction in funding. It is hard for us to believe that whoever wrote this article on task forces being ineffective has any idea what a task force does. I hope reason prevails. Reducing this funding is a serious mistake."

Another Nebraska police chief, Stephen Sunday of David City, heads up a 12 county, 28 agency multi-jurisdictional drug task force funded with Byrne dollars. He told me, again it is a rather lengthy quote, "Those grant dollars are the only, and I mean only way the task force was able to form as a group. In South-Central Nebraska there are nothing but small, rural law

enforcement agencies that cannot afford to deal with drug investigations to the degree that we are able to do with Federal grant funding.

"Our primary goal is to investigate the individuals who are dealing drugs in our communities. The drug of choice is meth, and I am here to tell you that meth is a killer, a killer of families, of lives and of health. Health costs for dealing with meth users is terrific. Families cannot afford it.

"The drug task forces are the only effective means of going after the drug dealers. On our own, we cannot handle it. The first problem is that most of the drug dealers in rural Nebraska know all of the law enforcement officers by name and know that we are spread thin. Working with undercover investigators, our task force is able to get next to the drug dealers, but it takes money to have your own separate, dedicated drug investigators.

"By banding together with the Federal Government through Federal dollar grants we can fight the drug dealers. The task forces share intelligence information, which did not happen prior to the creation of Nebraska's drug task forces.

"The intelligence information is so important to us that if the drug task forces are shut down due to lack of Federal funding, then we will be in serious trouble. If the drug dealers find out that the government is cutting off grant funding and as a result the task forces fold up and go away, they will be holding a big party to rejoice at this news. If Federal funding is taken away, the drug task forces in the State of Nebraska will fold up shop and disappear.

"We cannot fund the task forces by ourself. If Congress wants to hear an angry outcry from rural America, take away our task force funding. See what happens. Our Federal elected officials will be eaten alive by the voters. If Congress wants to be progressive and deal with illegal drugs, give us back our funding.

"The Federal Government needs to take care of issues at home more than anywhere else. Public safety needs need to be a high priority. If the drug task force is shut down from a lack of Federal funding, the illegal drug problem in rural America will get out of control and you will pay dearly in ruined lives. Don't take away Federal funding that was coming from the Byrne grant dollars."

As the gentleman from Nebraska (Mr. OSBORNE) mentioned in his talk a few days ago myself, the gentleman from Nebraska (Mr. OSBORNE), the gentleman from California (Mr. CALVERT), the gentleman from Indiana (Mr. SOUDER) and the gentleman from North Carolina (Mr. COBLE) met with the Speaker to express our frustration with any proposed cuts to Byrne grants and HIDTA funding. The Speaker was completely knowledgeable and empathetic with this and promised to help us work with it. So I really appreciate that the leadership in the House of Representatives shares the concern that the speakers did tonight during this special

order, as well as the gentleman from California (Mr. CALVERT), the gentleman from Indiana (Mr. SOUDER), the gentleman from North Carolina (Mr. COBLE) and the gentleman from Iowa (Mr. KING), who could not be here tonight.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today.

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today and the balance of the week on account of continuing to recuperate from surgery.

Mr. BARRETT of South Carolina (at the request of Mr. DELAY) for today on account of family reasons.

Mr. LATOURETTE (at the request of Mr. DELAY) for today on account of a family emergency.

Mr. POE (at the request of Mr. DELAY) for today on account of personal business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. DEGETTE, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. CLEAVER, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, May 24, 25, 26, and 27.

Mr. POE, for 5 minutes, May 24.

Mr. HOSTETTLER, for 5 minutes, May 24.

Mr. RAMSTAD, for 5 minutes, today.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 35. Concurrent resolution expressing the sense of Congress that the Government of the Russian Federation should issue a clear and unambiguous statement of admission and condemnation of the illegal occupation and annexation by the Soviet Union from 1940 to 1991 of the Baltic countries of Estonia, Latvia, and Lithuania, to the Committee on International Relations.

□ 2230

#### ADJOURNMENT

Mr. TERRY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 24, 2005, at 9 a.m., for morning hour debates.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2067. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Plant Variety Protection Office, Supplemental Fees [Docket Number ST-02-02] (RIN: 0581-AC31) received May 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2068. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Winter Pears Grown in Oregon and Washington; Order Amending Marketing Order No. 927 [Docket No. AO-F&V-927-A1; FV04-927-1 FR] received May 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2069. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Olives Grown in California; Increased Assessment Rate [Docket No. FV05-932-1 FR] received May 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2070. A letter from the Chief, EBT Branch, Department of Agriculture, transmitting the Department's final rule — Food Stamp Program, Regulatory Review: Standards for Approval and Operation of Food Stamp Electronic Benefit Transfer (EBT) (Amendment No. 394) (RIN: 0584-AC37) received April 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2071. A letter from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — Accounting Requirements for RUS Telecommunications Borrowers (RIN: 0572-AB77) received May 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2072. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Asian Longhorned Beetle; Addition to Quarantined Areas [Docket No. 04-130-2] received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2073. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities; Finding of No Significant Impact and Affirmation of Final Rule [Docket No. 03-080-7] (RIN: 0579-AB73) received April 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2074. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Introductions of Plants Genetically Engineered To Produce Industrial Compounds [Docket No. 03-038-2] (RIN: 0579-AB89) received May 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2075. A letter from the Congressional Review Coordinator, APHIS, Department of Ag-

riculture, transmitting the Department's final rule — Karnal Bunt; Compensation for Custom Harvesters in Northern Texas [Docket No. 03-052-3] received May 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2076. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting the annual report on the impact of the improvements to compensation and benefits made by title VI of the National Defense Authorization Act for FY 2000 on the recruiting and retention programs of the Armed Forces, pursuant to 37 U.S.C. 1015 Public Law 106-65, section 673; to the Committee on Armed Services.

2077. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Albert T. Church III, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

2078. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting an annual report entitled, "Defense Acquisition Challenge Program: Fiscal Year 2004," pursuant to 10 U.S.C. 2359b(i); to the Committee on Armed Services.

2079. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting a copy of the "Annual Report on the Department of Defense Mentor-Protégé Program" for FY 2004, pursuant to Public Law 101-510, section 831; to the Committee on Armed Services.

2080. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting the annual National Guard and Reserve Component Equipment Report for fiscal year (FY) 2006, pursuant to 10 U.S.C. 10541; to the Committee on Armed Services.

2081. A letter from the Deputy Secretary, Department of Defense, transmitting pursuant to the requirements in House Report 108-553 (Title III, Procurement) accompanying the Department of Defense Appropriations Act for FY 2005 (Pub. L. 108-287), a report outlining the near-term and long-term plans for repair, replacement, and recapitalization of ground force equipment used in Operation Iraqi Freedom and Operation Enduring Freedom; to the Committee on Armed Services.

2082. A letter from the Secretary, Department of Energy, transmitting a draft bill "To amend the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 to include worldwide nuclear weapons removal, and for other purposes"; to the Committee on Armed Services.

2083. A letter from the Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-03; Item III] received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2084. A letter from the Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Section 508 Micropurchase Exemption [FAC 2005-03; FAR Case 2004-020; Item II] (RIN: 9000-AK05) received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2085. A letter from the Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Purchases From Federal Prison Industries — Requirement for Market Research [FAC 2005-03; FAR Case 2003-023; Item I] (RIN: 9000-AJ91) received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2086. A letter from the Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2005-03; Introduction — received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2087. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's FY 2004 Annual Report, pursuant to 16 U.S.C. 797(d); to the Committee on Energy and Commerce.

2088. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual report to Congress on material violations or suspected material violations of regulations relating to Treasury auctions and other offerings of securities by Treasury, pursuant to (107 Stat. 2344, 2358-2359); to the Committee on Energy and Commerce.

2089. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Waste Management System; Testing and Monitoring Activities; Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB [RCRA-2002-0025; FRL-7916-1] (RIN: 2050-AE41) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2090. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Project XL Rulemaking Extension for New York State Public Utilities; Hazardous Waste Management Systems; Final Rule [FRL-7916-2] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2091. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Maintenance Plans; Michigan; Southeast Michigan Ozone Maintenance Plan Update to the State Implementation Plan [R05-OAR-2004-MI-0004; FRL-7915-8] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2092. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Underground Storage Tank Program: Approved State Program for Minnesota [FRL-7909-5] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2093. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Daytona Beach Shores, Florida) [MB Docket No. 04-240; RM-10843] received May 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2094. A letter from the Assistant Bureau Chief for Management, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — 2000 Biennial Regulatory Review — Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations [IB Docket No. 00-248] Amendment of Part 25 of the Commission's Rules and Regulations to Reduce Alien Carrier Interference Between Fixed-Satellite at Reduced Orbital Spacings and to Revise Application Procedures for Satellite Communication Services [CC Docket No. 86-496] Received May 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2095. A letter from the Secretary, Department of Commerce, transmitting a six-

month report prepared by the Department of Commerce's Bureau of Industry and Security on the national emergency declared by Executive Order 13222 of August 17, 2001, and continued on August 14, 2002, August 7, 2003, and August 6, 2004 to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c) 50 U.S.C. 1703(c); to the Committee on International Relations.

2096. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting an updated and corrected copy of the Department's "Country Reports on Terrorism: 2004," pursuant to 22 U.S.C. 2656f; to the Committee on International Relations.

2097. A communication from the President of the United States, transmitting a report on the Open Skies Treaty that provides an analysis of the first year of implementation of the treaty; to the Committee on International Relations.

2098. A communication from the President of the United States, transmitting a supplemental consolidated report, consistent with the War Powers Resolution, to keep Congress informed about the deployments of U.S. combat-equipped armed forces in support of the global war on terrorism, Kosovo, and Bosnia and Herzegovina, pursuant to Public Law 93-148; (H. Doc. No. 109-30); to the Committee on International Relations and ordered to be printed.

2099. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on activities under the Tropical Forest Conservation Act of 1998, pursuant to Public Law 105-214, section 813; to the Committee on International Relations.

2100. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's determination that five countries are not cooperating fully with U.S. antiterrorism efforts: Cuba, Iran, Libya, North Korea, and Syria, pursuant to 22 U.S.C. 2781; to the Committee on International Relations.

2101. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the 2003 annual report on the activities and operations of the Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

2102. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 2004, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

2103. A letter from the Secretary, Department of Health and Human Services, transmitting notice that an additional class of Mallinckrodt has been added to the Special Exposure Cohort in response to a petition filed on behalf of a class of workers from the Mallinckrodt Destrehan Street facility in St. Louis, Missouri, pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

2104. A letter from the Secretary, Department of Labor, transmitting the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Annual Report to Congress for Fiscal Year 2004, pursuant to 38 U.S.C. 4322; to the Committee on Veterans' Affairs.

2105. A letter from the Commissioner, Customs and Border Protection, Department of Homeland Security, transmitting a report entitled "Import Trade Trends: FY 2004 Year

End Report (October 2003 — September 2004)"; to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[Filed on May 20, 2005]*

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 742. A bill to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorneys' fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration (Rept. 109-61 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUNTER: Committee on Armed Services. H.R. 1815. A bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes; with amendments (Rept. 109-89). Referred to the Committee of the Whole House on the State of the Union.

*[Filed on May 23, 2005]*

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Resolution 243. Resolution recognizing the Coast Guard, the Coast Guard Auxiliary, and the National Safe Boating Council for their efforts to promote National Safe Boating Week (Rept. 109-90). Referred to the House Calendar.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 2066. A bill to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes; with an amendment (Rept. 109-91). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 250. A bill to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes; with an amendment (Rept. 109-92). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 744. A bill to amend title 18, United States Code, to discourage spyware, and for other purposes (Rept. 109-93). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 291. Resolution providing for consideration of the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-94). Referred to the House Calendar.

Mr. WALSH: Committee on Appropriations. H.R. 2528. A bill making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-95). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FILNER (for himself and Mr. FOLEY):

H.R. 2518. A bill to amend title XVIII of the Social Security Act to prohibit disclosure of social security numbers on Medicare-related mailings; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 2519. A bill to require the Secretary of Education to revise regulations for student loan deferments with respect to borrowers who are medical or dental residents; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey (for himself, Mr. BARTON of Texas, Mr. DAVIS of Alabama, Mr. DELAY, Mr. DEAL of Georgia, Mr. BLUNT, Mr. TOWNS, Mr. DAVIS of Kentucky, Ms. FOXX, Mr. SHIMKUS, Mr. STUPAK, Mr. RENZI, Mr. CANTOR, Mr. PAYNE, Mr. GREEN of Wisconsin, Mr. MCINTYRE, Mr. FERGUSON, Mr. NORWOOD, Ms. MILLENDER-MCDONALD, Mr. EVERETT, Mr. KENNEDY of Minnesota, Mr. CONYERS, Mr. BOUSTANY, Mr. LIPINSKI, Mr. ADERHOLT, Mr. BURGESS, Mr. WELDON of Florida, Mr. PENCE, Mrs. MYRICK, Mr. RYUN of Kansas, Mr. PITTS, Mr. MCCAUL of Texas, Mr. WAMP, Mr. CHABOT, Mr. MURPHY, Mr. INGLIS of South Carolina, Mr. TERRY, Mr. FORTENBERRY, Mr. NEUGEBAUER, Mr. STEARNS, Mr. WALSH, Mr. MCCOTTER, Mr. FOSSELLA, Mrs. JO ANN DAVIS of Virginia, Mr. HASTINGS of Washington, Mrs. DRAKE, Ms. HART, Mr. BURTON of Indiana, Mr. KING of New York, Mr. HAYWORTH, Mr. SULLIVAN, Mr. FITZPATRICK of Pennsylvania, Mr. GUTKNECHT, Mr. SHADEGG, Mr. AKIN, Mr. SOUDER, Mr. HAYES, Mr. BOOZMAN, Mr. DOOLITTLE, Mr. PRICE of Georgia, Mr. MEEK of Florida, Mr. KLINE, Mr. FORD, Mr. HYDE, Mrs. MUSGRAVE, Mr. FORBES, Mr. SAM JOHNSON of Texas, Mr. TANCREDO, Mr. DANIEL E. LUNGREN of California, Mr. MARSHALL, Ms. ESHOO, Mr. SODREL, Mr. PUTNAM, Mr. CANNON, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CLAY, Ms. ROS-LEHTINEN, Mr. MCHENRY, and Mr. FRANKS of Arizona):

H.R. 2520. A bill to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program; to the Committee on Energy and Commerce.

By Mr. FERGUSON (for himself and Mr. TOWNS):

H.R. 2521. A bill to establish a program to transfer surplus computers of Federal agencies to schools and nonprofit community-based educational organizations, and for other purposes; to the Committee on Government Reform.

By Mr. FERGUSON:

H.R. 2522. A bill to extend the suspension of duty on filter blue green photo dye; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 2523. A bill to extend the suspension of duty on ammonium bifluoride; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 2524. A bill to extend the suspension of duty on Bis(4-fluorophenyl) methanone; to the Committee on Ways and Means.

By Mr. KENNEDY of Minnesota (for himself, Mr. POMEROY, Mr. MORAN of Kansas, and Mr. GILLMOR):

H.R. 2525. A bill to amend title XVIII of the Social Security Act to make improvements to payments to ambulance providers in rural areas, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY (for herself, Mr. HINCHEY, Mr. KILDEE, Mr. McNULTY, Mr. BRADLEY of New Hampshire, Mr. WOLF, Mr. PAYNE, Mr. ENGLISH of Pennsylvania, Mr. SWEENEY, Mr. GILCHREST, Mr. HASTINGS of Florida, and Mr. FRANK of Massachusetts):

H.R. 2526. A bill to establish a Tick-Borne Disorders Advisory Committee, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 2527. A bill to expand the bases on which student loan borrowers may obtain deferments of their repayment obligations; to the Committee on Education and the Workforce.

By Mr. WALSH:

H.R. 2528. A bill making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

By Mr. ANDREWS:

H.R. 2529. A bill to amend the Employee Retirement Income Security Act of 1974 to exclude cooperative employing units from multiple employer welfare arrangements; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 2530. A bill to ensure that State and local law enforcement agencies execute warrants for the arrest of nonviolent offenders only when children are not present, unless overriding circumstances exist; to the Committee on the Judiciary.

By Mr. BACA:

H.R. 2531. A bill to amend titles 10 and 14, United States Code, to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Armed Services.

By Mr. CANTOR:

H.R. 2532. A bill to suspend temporarily the duty on urea, polymer with formaldehyde (Pergopak); to the Committee on Ways and Means.

By Mrs. CUBIN (for herself, Mr. GONZALEZ, Mr. KING of Iowa, Mr. RADANOVICH, Mr. WYNN, and Mr. BROWN of Ohio):

H.R. 2533. A bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act; to the Committee on Energy and Commerce.

By Mr. DEAL of Georgia:

H.R. 2534. A bill to amend the Internal Revenue Code of 1986 to encourage private philanthropy; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 2535. A bill to extend the suspension of duty on polymethine photo-sensitizing dyes; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 2536. A bill to extend the suspension of duty on 4-Hexylresorcinol; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 2537. A bill to extend the suspension of duty on certain organic pigments and dyes; to the Committee on Ways and Means.

By Mr. HAYWORTH:

H.R. 2538. A bill to extend the temporary suspension of duty on a certain ultraviolet dye; to the Committee on Ways and Means.

By Mr. HAYWORTH:

H.R. 2539. A bill to extend the temporary suspension of duty on certain cathode-ray tubes; to the Committee on Ways and Means.

By Mr. HAYWORTH:

H.R. 2540. A bill to extend the temporary suspension of duty on certain cathode ray tubes; to the Committee on Ways and Means.

By Mr. KING of New York (for himself, Mr. SMITH of New Jersey, Mr. NORWOOD, Mr. ISRAEL, and Mr. BISHOP of New York):

H.R. 2541. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Institutes of Health regarding qualifying adult stem cell research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KUHLMAN of New York:

H.R. 2542. A bill to suspend temporarily the duty on low expansion laboratory glass; to the Committee on Ways and Means.

By Mr. KUHLMAN of New York:

H.R. 2543. A bill to suspend temporarily the duty on stoppers, lids, and other closures; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 2544. A bill to extend the temporary suspension of duty on benzoic acid, 2-amino-4-[[[(2,5-dichlorophenyl)amino]carbonyl]-, methyl ester; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 2545. A bill to suspend temporarily the duty on Acid Blue 80; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 2546. A bill to extend the temporary suspension of duty on Pigment Red 185; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 2547. A bill to extend the temporary suspension of duty on Solvent blue 124; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 2548. A bill to suspend temporarily the duty on Pigment Brown 25; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 2549. A bill to suspend temporarily the duty on Pigment Red 188; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 2550. A bill to extend the temporary suspension of duty on Pigment Yellow 154; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 2551. A bill to extend the temporary suspension of duty on Pigment Yellow 175; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 2552. A bill to suspend temporarily the duty on Pigment Yellow 213; to the Committee on Ways and Means.

By Ms. LEE (for herself, Mr. ABERCROMBIE, Mr. BARRETT of South Carolina, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Ms. CARSON, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. DEFazio, Mr. DOGGETT, Mr. FARR, Mr. GRIJALVA, Ms. HARMAN, Mr. HOLT, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mr. KUCINICH,

Mr. LANTOS, Ms. ZOE LOFGREN of California, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. MICHAUD, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. OLIVER, Mr. PAYNE, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. ACKERMAN, Ms. BALDWIN, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mr. CARNAHAN, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DICKS, Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. HINCHEY, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK of Michigan, Mr. LANGEVIN, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. McDERMOTT, Mr. McNULTY, Ms. MILLENDER-McDONALD, Mr. MORAN of Virginia, Ms. NORTON, Mr. OWENS, Mr. PRICE of North Carolina, Mr. ROTHMAN, Mr. RUSH, Ms. LINDA T. SANCHEZ of California, Mr. SANDERS, Mr. SCHIFF, Mr. SIMMONS, Mr. SMITH of Washington, Mr. STARK, Mr. THOMPSON of California, Mr. TOWNS, Ms. WATERS, Mr. WAXMAN, Mr. WEXLER, Ms. SCHWARTZ of Pennsylvania, Mr. WYNN, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SOLIS, Mrs. TAUSCHER, Mr. TIERNEY, Mr. UDALL of Colorado, Ms. WATSON, Mr. WEINER, Ms. WOOLSEY, Mr. LARSON of Connecticut, and Mr. MEEK of Florida);

H.R. 2553. A bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes; to the Committee on Energy and Commerce.

By Ms. MCKINNEY:

H.R. 2554. A bill to provide for the expeditious disclosure of records relevant to the life and assassination of Reverend Doctor Martin Luther King, Jr.; to the Committee on Government Reform.

By Mrs. MUSGRAVE:

H.R. 2555. A bill to authorize the construction of the Arkansas Valley Conduit in the State of Colorado, and for other purposes; to the Committee on Resources.

By Mr. RYAN of Wisconsin:

H.R. 2556. A bill to suspend temporarily the duty on air freshener electric devices with warmer units; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin:

H.R. 2557. A bill to suspend temporarily the duty on air freshener electric devices; to the Committee on Ways and Means.

By Mr. SHAYS (for himself, Ms. DELAUNO, and Mr. TOM DAVIS of Virginia):

H.R. 2558. A bill to amend title 4 of the United States Code to prohibit the double taxation of telecommuters and others who work at home; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 2559. A bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Resources.

By Mr. PALLONE:

H.J. Res. 51. A joint resolution proposing an amendment to the Constitution of the United States to allow debate to be closed on any measure, motion, or other matter pending before the Senate only by unanimous consent or the concurrence of three-fifths of the Senators; to the Committee on the Judiciary.

By Mr. GERLACH (for himself, Mr. FARR, Mr. HOYER, Mr. HYDE, Mr. OXLEY, Mr. PICKERING, Mr. SCHWARZ

of Michigan, Mr. SHUSTER, and Mr. SKELTON):

H. Con. Res. 163. Concurrent resolution honoring the Sigma Chi Fraternity on the occasion of its 150th Anniversary; to the Committee on Education and the Workforce.

By Mr. DELAHUNT (for himself, Mr. ALLEN, Ms. BORDALLO, Mr. BLUMENAUER, Mrs. CHRISTENSEN, Mrs. DAVIS of California, Mr. FARR, Mr. GRIJALVA, Mr. HINCHEY, Mr. KIND, Mr. GEORGE MILLER of California, Ms. NORTON, Mrs. MCCARTHY, Mr. PALLONE, Mr. OLVER, Mr. MARKEY, Mr. HOLDEN, Mr. RAHALL, Mr. SAXTON, Mr. SHAYS, Mrs. CAPPS, and Mr. FRANK of Massachusetts):

H. Con. Res. 164. Concurrent resolution expressing the sense of the Congress regarding the policy of the United States at the 57th Annual Meeting of the International Whaling Commission; to the Committee on International Relations.

By Mr. CROWLEY:

H. Res. 292. A resolution commending the State of Kuwait for granting women certain important political rights; to the Committee on International Relations.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. DAVIS of Kentucky.  
 H.R. 22: Ms. KILPATRICK of Michigan, Mr. CARNAHAN, Mr. LYNCH, Mr. SCHWARZ of Michigan, Ms. SOLIS, and Mr. BACHUS.  
 H.R. 23: Mr. HIGGINS, Mr. WU, and Mr. SERRANO.  
 H.R. 47: Mrs. EMERSON, Mr. CALVERT, Mr. HAYWORTH, Mr. KUHL of New York, and Mr. PUTNAM.  
 H.R. 97: Mr. UPTON.  
 H.R. 98: Mr. MARCHANT.  
 H.R. 115: Mr. HINCHEY and Ms. ZOE LOFGREN of California.  
 H.R. 215: Mr. DAVIS of Florida.  
 H.R. 282: Mr. LINDER, Mr. THOMPSON of California, Mr. MEEHAN, Mr. HAYWORTH, Ms. FOXX, Mr. SMITH of Texas, Mr. TANNER, Ms. DELAULO, Mr. BERRY, Mrs. MUSGRAVE, Mr. WELDON of Pennsylvania, and Mr. ROSS.  
 H.R. 303: Mr. WYNN, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. DOGGETT, Ms. MATSUI, Mr. HOYER, Mr. BONILLA, and Mr. LEVIN.  
 H.R. 371: Mr. CHANDLER.  
 H.R. 389: Mr. PASTOR.  
 H.R. 463: Mr. GUTIERREZ.  
 H.R. 480: Mr. SANDERS.  
 H.R. 503: Mr. ISRAEL and Mr. MARKEY.  
 H.R. 537: Mr. WHITFIELD and Mr. BARROW.  
 H.R. 551: Ms. BALDWIN, Ms. BERKLEY, Mr. MEEHAN, and Mr. PASCRELL.  
 H.R. 562: Mr. BROWN of Ohio and Mr. ROTHMAN.  
 H.R. 653: Mr. OLVER.  
 H.R. 691: Mr. VAN HOLLEN.  
 H.R. 698: Mr. BACHUS.  
 H.R. 745: Mrs. MYRICK.  
 H.R. 783: Mr. GONZALEZ.  
 H.R. 801: Ms. BORDALLO.  
 H.R. 829: Ms. SCHAKOWSKY.  
 H.R. 865: Mr. MARSHALL.  
 H.R. 867: Mr. DOGGETT and Mr. WAXMAN.  
 H.R. 896: Mrs. WILSON of New Mexico and Mr. LEVIN.  
 H.R. 917: Mr. GOODE.  
 H.R. 930: Mr. SOUDER, Mr. WELDON of Pennsylvania, and Mr. GINGREY.  
 H.R. 698: Ms. FOXX, Mr. JOHNSON of Illinois, Mr. LANGEVIN, Mrs. MALONEY, Mr. GONZALEZ, Mr. PUTNAM, Mr. WELLER, Mr. MARSHALL, Mr. FRANK of Massachusetts, Mr. STRICKLAND, and Mr. BONILLA.  
 H.R. 972: Mr. AKIN.

H.R. 998: Mr. RUSH and Mr. CARTER.  
 H.R. 1011: Ms. LEE.  
 H.R. 1042: Mr. CAMP.  
 H.R. 1130: Mr. JEFFERSON and Mr. VAN HOLLEN.  
 H.R. 1157: Mr. RYAN of Ohio.  
 H.R. 1202: Mr. MCCOTTER.  
 H.R. 1227: Mr. COSTELLO, Mr. HINCHEY, and Mr. JEFFERSON.  
 H.R. 1245: Mr. KIRK.  
 H.R. 1286: Mr. COX.  
 H.R. 1295: Mr. PETERSON of Minnesota and Mr. BOUSTANY.  
 H.R. 1298: Mr. PUTNAM.  
 H.R. 1299: Mr. NEUGEBAUER.  
 H.R. 1329: Ms. SCHAKOWSKY and Mr. FRANK of Massachusetts.  
 H.R. 1335: Mr. HALL.  
 H.R. 1338: Mr. BISHOP of Georgia.  
 H.R. 1360: Mr. CANTOR.  
 H.R. 1373: Mr. POMEROY, Mr. BURTON of Indiana, Mrs. NAPOLITANO, Ms. SOLIS, Mr. SALAZAR, Mr. GRIJALVA, Ms. ROYBAL-AL-LARD, Mr. BECERRA, Mr. CUELLAR, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. MENENDEZ, Mr. ORTIZ, Mr. PASTOR, Mr. REYES, Ms. LINDA T. SANCHEZ of California, Ms. LORRETTA SANCHEZ of California, Mr. SERRANO, Ms. VELÁZQUEZ, and Mr. BACA.  
 H.R. 1409: Ms. ZOE LOFGREN of California, Mr. GEORGE MILLER of California, and Mr. LINCOLN DIAZ-BALART of Florida.  
 H.R. 1431: Mr. PAYNE, Ms. LEE, Mr. CASTLE, and Mr. MACK.  
 H.R. 1498: Mr. GEORGE MILLER of California, Mrs. MILLER of Michigan, Mr. PETRI, and Ms. Moore of Wisconsin.  
 H.R. 1505: Mrs. MYRICK.  
 H.R. 1506: Mr. PETERSON of Minnesota, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, and Mr. INSLEE.  
 H.R. 1509: Mr. PUTNAM.  
 H.R. 1517: Mr. GINGREY and Mr. CANTOR.  
 H.R. 1548: Mr. COOPER, Mr. GORDON, Mr. CONAWAY, Mr. MCCRERY, Mr. HERGER, Ms. HOOLEY, Mr. REHBERG, Mr. MORAN of Virginia, and Mr. RYAN of Ohio.  
 H.R. 1554: Mr. SESSIONS.  
 H.R. 1558: Mr. BLUMENAUER.  
 H.R. 1578: Mr. LEWIS of Kentucky, Mr. MOORE of Kansas, Mr. COBLE, Mr. TANNER, Mr. DUNCAN, Mr. SAM JOHNSON of Texas, and Mr. COX.  
 H.R. 1589: Mr. FATTAH and Ms. MOORE of Wisconsin.  
 H.R. 1591: Mr. PUTNAM and Mr. SCHWARZ of Michigan.  
 H.R. 1608: Mr. BARTLETT of Maryland.  
 H.R. 1652: Mr. CARNAHAN and Mr. VAN HOLLEN.  
 H.R. 1668: Ms. HARMAN.  
 H.R. 1671: Mr. BERRY.  
 H.R. 1687: Ms. ZOE LOFGREN of California, Mr. LEWIS of Georgia, Mr. OLVER, Ms. CARSON, Mr. SMITH of Washington, Mr. CONYERS, Mrs. CAPPS, Mr. McNULTY, and Mr. CARNAHAN.  
 H.R. 1705: Mr. BOUSTANY.  
 H.R. 1814: Mr. COSTELLO and Ms. DELAULO.  
 H.R. 1852: Mr. OLVER and Mr. ALLEN.  
 H.R. 1898: Mr. KOLBE, Mr. HYDE, Mr. LATHAM, and Mr. CONAWAY.  
 H.R. 1902: Mr. SANDERS.  
 H.R. 1956: Mr. SOUDER, Mr. RAMSTAD, and Mr. KING of Iowa.  
 H.R. 1983: Mr. GERLACH.  
 H.R. 2036: Mr. HASTINGS of Florida.  
 H.R. 2044: Mr. CONYERS, Mr. HINCHEY, Mr. FORD, Mr. McNULTY, and Mr. PLATTS.  
 H.R. 2074: Ms. DELAULO.  
 H.R. 2112: Mrs. MYRICK, Ms. GINNY BROWN-WAITE of Florida, Mrs. KELLY, and Mr. KINGSTON.  
 H.R. 2121: Mr. JINDAL.  
 H.R. 2122: Ms. KAPTUR.  
 H.R. 2208: Mr. BURTON of Indiana, Mrs. BLACKBURN, Mr. MCCOTTER, and Mr. DAVIS of Illinois.

H.R. 2233: Mr. DICKS.  
 H.R. 2238: Mr. KENNEDY of Rhode Island, Mr. SHIMKUS, and Ms. WASSERMAN SCHULTZ.  
 H.R. 2290: Mr. TERRY, Mr. INGLIS of South Carolina, and Mr. MCCRERY.  
 H.R. 2317: Mr. RUPPERSBERGER, Mr. NEAL of Massachusetts, Ms. LEE, Ms. BALDWIN, and Mr. MCHUGH.  
 H.R. 2327: Mr. McDERMOTT, Mr. WEXLER, Mr. DICKS, Ms. BALDWIN, Mr. BERMAN, Ms. SOLIS, Mr. CONYERS, Ms. MATSUI, Mr. CASE, Mr. GONZALEZ, Mr. BECERRA, Mr. MARKEY, and Mr. CLEAVER.  
 H.R. 2346: Mr. JEFFERSON.  
 H.R. 2349: Mrs. CHRISTENSEN, Ms. KILPATRICK of Michigan, and Mr. CONYERS.  
 H.R. 2350: Mr. KUHL of New York.  
 H.R. 2355: Mr. INGLIS of South Carolina.  
 H.R. 2423: Mr. PUTNAM, Mr. SULLIVAN, and Mr. JINDAL.  
 H.R. 2427: Ms. SLAUGHTER, Mr. EVANS, Mr. SIMMONS, Mr. CLAY, and Mr. DELAHUNT.  
 H.R. 2457: Mr. BACHUS, Mr. FRANK of Massachusetts, Mr. CASE, and Ms. SCHAKOWSKY.  
 H.R. 2458: Mrs. MYRICK.  
 H.R. 2484: Mr. BEAUPREZ, Mr. FORTENBERRY, Mr. DENT, Ms. ROS-LEHTINEN, Ms. GRANGER, and Mr. RENZI.  
 H.R. 2512: Mr. HOLT.  
 H.J. Res. 10: Mr. BOREN, Mr. SHERWOOD, Mrs. EMERSON, and Mr. SOUDER.  
 H.J. Res. 12: Mr. GONZALEZ, Ms. ZOE LOFGREN of California, and Ms. SCHAKOWSKY.  
 H.J. Res. 38: Mr. McDERMOTT.  
 H. Con. Res. 71: Mr. MENENDEZ, Mr. AL GREEN of Texas, and Mr. PALLONE.  
 H. Con. Res. 90: Mr. BARROW, Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. COSTA, Mr. HINOJOSA, Mrs. NAPOLITANO, Mr. SALAZAR, Ms. LINDA T. SANCHEZ of California, Ms. LORRETTA SANCHEZ of California, Ms. VELÁZQUEZ, Mr. CUELLAR, and Mr. FRANK of Massachusetts.  
 H. Con. Res. 154: Mr. BROWN of South Carolina, Mr. SESSIONS, Ms. BORDALLO, and Mr. SOUDER.  
 H. Con. Res. 160: Ms. LEE, Mr. FATTAH, Mr. CLEAVER, and Mr. CLAY.  
 H. Con. Res. 162: Mr. BLUNT and Mrs. JO ANN DAVIS of Virginia.  
 H. Res. 67: Mr. ANDREWS.  
 H. Res. 84: Mr. TERRY.  
 H. Res. 276: Mr. McNULTY, Mr. PAYNE, and Mr. BURTON of Indiana.  
 H. Res. 279: Ms. SCHAKOWSKY and Mr. SMITH of Washington.  
 H. Res. 280: Ms. MILLENDER-MCDONALD, Mr. MANZULLO, Mr. BECERRA, Ms. SOLIS, Mr. BORDALLO, and Ms. WATSON.  
 H. Res. 286: Mr. MCGOVERN, Mr. LANTOS, and Mr. McNULTY.

### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2419

OFFERED BY: Mr. FILNER

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following: SEC. \_\_\_\_\_. None of the funds made available in this Act may be used by the Secretary of Energy to issue, approve, or grant any permit or other authorization for the transmission of electric energy into the United States from a foreign country if all or any portion of such electric energy is generated at a power plant located within 25 miles of the United States that does not comply with all air quality requirements that would be applicable to such plant if it were located in the air quality region in the United States that is nearest to such power plant.

H.R. 2419

OFFERED BY: Mr. HEFLEY

AMENDMENT NO. 2: At the end of the bill, add the following:

SEC. \_\_\_\_\_. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by \$297,460,000.

H.R. 2419

OFFERED BY: MR. SPRATT

AMENDMENT NO. 3: At the end of the bill, add the following new section:

SEC. 503. None of the funds made available by this Act shall be obligated or expended in

contravention of the Nuclear Waste Policy Act of 1982.

H.R. 2419

OFFERED BY: MR. STUPAK

AMENDMENT NO. 4: At the end of the bill, add the following new section:

SEC. 503. None of the funds made available by this Act shall be used to accept deliveries of petroleum products to the Strategic Petroleum Reserve.

H.R. 2419

OFFERED BY: MR. STUPAK

AMENDMENT NO. 5: At the end of the bill (before the Short Title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to implement a policy, proposed in the Annex V Navigation Programs by the Corps of Engineers, to use or consider the amount of tonnage of goods that pass through a harbor to determine if a harbor is high-use.